

# State and Community Initiatives in the Fight Against Domestic Human Trafficking



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by Nikki Pressley

## Executive Summary

Human trafficking can be defined as “the exploitation of someone for the purposes of compelled labor or a commercial sex act through the use of force, fraud, or coercion” ([National Human Trafficking Hotline, n.d.](#)). There is no specific formula of abuse or control tactics used by traffickers; instead, a variety of force, fraud, and coercion create a lethal combination. Some of the most common tactics are isolation, economic, emotional, or physical abuse, and threats ([Polaris, 2019a](#)). The most common venues for domestic trafficking include escort services, illicit massage parlors, bars, strip clubs and cantinas, pornography, and multiple variations of labor services ([Polaris, 2017](#)).

Human trafficking is estimated to be a \$150 billion industry, with almost 25 million people being forced into modern-day slavery worldwide ([National Human Trafficking Hotline, n.d.](#)). Recognition of the scope of the problem has increased in the past 20 years due to the Trafficking Victims Protection Act (TVPA) of 2000 and its several renewals through the Trafficking Victims Protection Reauthorization Act. This federal law defines the minimum standards for identifying and prosecuting human trafficking cases and protects victims and survivors through various avenues ([U.S. Department of Justice, 2017](#)). In addition to federal recognition, Texas also declared human trafficking a public health issue in the 2019 legislative session ([HCR 35, 2019](#)).

Nationwide, the number of confirmed trafficking cases and identified victims continues to rise each year. In 2018, the Polaris Human Trafficking Hotline, a nongovernmental organization (NGO), identified 23,078 victims in the United States ([Polaris, 2019a, p. 1](#)). With the second-highest rate of trafficking in the United States, Texas alone makes up roughly 9% of the nationwide trafficking victims. With 2,108 identified victims and 1,000 reported cases in 2018, the number of identified cases has doubled since 2015 ([Polaris, 2019b](#); [National Human Trafficking Hotline, 2019](#)). When accounting for victims who are yet to be identified or have failed to recognize or disclose their victimization, it is estimated there are approximately 313,000 victims of human trafficking in Texas at any given moment ([Busch-Armendariz et al., 2016, p. 13](#)).

Victim demographics vary widely, including all ages, ethnicities, sexualities, and genders. However, minorities make up most of identified victims. In 2018, women accounted for roughly 65% of identified victims, and minority ethnic groups such as Latinos and Asians made up a combined 65% of victims, nationally ([Polaris, 2019a](#)). One particularly vulnerable population is children. Nationally, in 2018, 4,945 minors were identified as victims, while Texas-specific research estimates there are 79,000 minor victims in Texas at any given time ([Polaris, 2019a](#); [Busch-Armendariz et al., 2016, p. 13](#)).

## Key Points

- Human trafficking is a \$150 billion industry and enslaves 25 million people worldwide; in 2018, the United States identified 23,078 domestic victims.
- Texas has the second highest rate of human trafficking in the United States, and the number of identified cases rises each year.
- Addressing the role of child welfare in trafficking, prioritizing community recognition and response, and aligning Texas law with federal law are effective solutions to help end modern-day slavery.

The connection between children with a history of child welfare involvement and human trafficking is clear. According to a Children’s Bureau report, it is estimated that 50-90% of trafficking victims have previous history with child welfare services ([Child Welfare Information Gateway, 2017, p. 4](#)). Specifically, children who have a foster care history are more vulnerable. Due to their history of maltreatment combined with the trauma of out-of-home placement, these children have a deep desire for love, connection, and belonging, which traffickers exploit through empty promises of providing for that child’s unmet psychosocial needs. Foster care also creates other avenues for traffickers to lure victims, such as when children run away from care or age out of the system ([Child Welfare Information Gateway, 2017, p. 4](#)).

As the number of identified victims continues to trend upward, law enforcement, child welfare agencies, and policymakers all play a unique role in ending this epidemic. This report will highlight several recommendations that would make a positive impact on the prevention, identification, and intervention methods used by key stakeholders.

- **Encourage Community Initiatives in the Fight Against Trafficking.** Community recognition and initiative are crucial aspects of the fight against human trafficking. Some future solutions to explore are continuing the expansion of community-based foster care, continuing the development of regional care coordination teams, encouraging Texas law enforcement teams to participate in the National Johns Suppression Initiative, and exploring a 3-digit phone number for the National Human Trafficking Hotline.
- **Align Texas Law With TVPA.** The federal Trafficking Victims Protection Act, U.S. Department of Justice, and the Texas office of the attorney general all recognize that a minor is legally unable to consent to engaging in prostitution or being sexually exploited and, as a result, should not be punished for activities that would otherwise be considered criminal. The Texas Penal Code, however, does not prevent minors under the age of 17 from being charged with prostitution. This not only falsely labels child victims as perpetrators, it can also impact the ability of trafficking survivors to rehabilitate or obtain safe employment that allows them to meet their needs and those of their families.

## Limitations of Available Research

It is critical to remember that there are limitations to the accuracy of the current data available. Failure to disclose or recognize one’s victimization, varying definitions of trafficking, and victims who are yet to be identified are all contributing factors to the fluctuations in statistical data, and most current numbers are merely estimates. Additionally, due to the lack of empirical data, much of the research is developed through observing lived experiences and aggregating survivor input. Due to the nature of the issue, we may never have exact numbers, and more research is needed to deepen our understanding of this complex, exploitative industry.

## Texas—A Complex Dynamic

Texas provides a unique landscape for human trafficking due to its geographic size and long international border, creating ample opportunity for both domestic and transnational trafficking. Nine percent of the victims nationwide are in Texas ([Polaris, 2019b](#); [Polaris, 2019a, p. 1](#)). Major hotspot locations primarily include all the large metropolitan areas and populous border cities such as McAllen and El Paso. Notably, 2013-2015 data from the National Human Trafficking Hotline show that the hotline received 41.6% of

its tips from the Greater Houston area and 23.6% from the Dallas/Fort Worth metropolitan area, making these the top two hotspots in the state ([Busch-Armendariz et al., 2016, p. 32](#)).

Due to a large number of migrants using Texas as an entry point into the United States, adult migrants and unaccompanied alien children (UACs) are also at high risk of victimization as migrants experience trauma, have an increased demand for resources, and may have language barriers that hinder their ability to identify threats. Among the 1,000 National Human Trafficking Hotline cases in Texas in 2018, 309 cases were identified as either U.S. citizens or lawful permanent residents (162), or foreign nationals (147)—with almost 691 cases from unknown origins ([National Human Trafficking Hotline, 2019](#)). Interestingly, a 2018 report published by the U.S. Department of Justice (DOJ) showed that, in 2015, 93.9% of defendants charged with trafficking violations were United States citizens ([Motivans and Snyder, 2018, p. 8](#)). In conclusion, although estimates show victims may be almost equally U.S. citizens or lawful permanent residents and non-U.S. citizens or residents, this report suggests defendants are almost always U.S. citizens.

UACs primarily enter the United States from Mexico, but in FY 2018, 92% of them were from Guatemala, Honduras, and El Salvador, while only 3% were from Mexico ([Office](#)

In one report, defendants charged with trafficking violations were almost always U.S. citizens.

of [Refugee Resettlement, 2020](#)). Limited English language proficiency creates a greater risk of victimization due to a hindered ability to comprehensively understand propositions and identify potential threats. Additionally, children with a history of trauma in their home country, or trauma that occurred during the migration, also are at greater risk of child exploitation ([Office of Refugee Resettlement, 2019](#)).

Placement safety for UACs is an additional concern. In FY 2018, the United States Office of Refugee Resettlement conducted only 3,641 home studies, a process that ensures the child is being placed in a safe, developmentally appropriate sponsor placement, for the nearly 35,000 UACs placed in a sponsor home—leaving roughly 90% of UACs in a home without an adequate home study ([Office of Refugee Resettlement, 2020](#); [Office of Refugee Resettlement, 2019](#)). In addition to this lack of investigation, one report showed roughly 78% of UACs were released to a person living in the United States illegally between July 2018 and January 2019 ([Arthur, 2019](#)). This combination creates a disturbing pathway for traffickers to easily recruit child victims with no fear of reprimand.

## Overview of Current Policies

### Federal Policy

At the federal level, the United States passed the Trafficking Victims Protection Act (TVPA) in 2000 to improve the prevention of trafficking, the protection of victims, and the prosecution of offenders. This act has been reauthorized in 2003, 2005, 2008, and 2013, with innovations and best practices for serving victims ([U.S. Department of Justice, 2017](#)). TVPA made human trafficking a federal crime and mandated victims be paid restitution, making this the cornerstone of trafficking legislation. Additionally, it established the T Visa, allowing migrant victims who have aided in a law enforcement investigation to become temporary nonimmigrant residents with the option to apply for permanent residency after three years ([U.S. Department of Justice, 2017](#)).

A key piece of this legislation was the creation of the precise definition for human trafficking, specifically regarding minors. TVPA defines “severe forms of trafficking in persons” as “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age” and “the recruitment, harboring, transportation, 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,

or slavery” ([22 USC § 7102\(11\)](#)). The language used in this definition is crucial in understanding that, under federal law, minors engaging in commercial sex are victims of sex trafficking, *even in the absence of evidence of force, fraud, or coercion*.

The DOJ has provided additional guidance on the interpretation and application of this definition, which highlights key differences between minor and adult sex trafficking. The DOJ explains that “under federal law, children cannot consent to engage in prostitution or be sexually exploited,” and emphasizes that Congress has indicated that child victims “should not be punished for activities they undertake while being trafficked” ([U.S. Department of Justice, 2015](#)). This is so the judicial system can assimilate as many victims who are forced to participate in other organized crime or illegal, deviant behavior, or to recruit other victims under their trafficker’s orders.

### Texas Policy

Currently, the Texas Penal Code is out of alignment with both the federal TVPA and the Texas Family Code with

respect to the arrest and prosecution of minor sex trafficking victims. Despite the fact that the Texas Family Code classifies sex with a minor as sexual abuse, and the TVPA defines engaging in prostitution with a minor as a “severe form of sex trafficking,” the Texas Penal Code does not exclude minors

Under federal law, minors engaging in commercial sex are victims of sex trafficking, even in the absence of evidence of force, fraud, or coercion.

from its definition of prostitution, allowing children to be criminally charged and prosecuted for prostitution ([Tx. Penal Code Sec 43.02](#); [Tx. Fam. Code Sec. 261.001\(1\)\(E\)](#); [22 USC § 7102\(11\)](#)). This not only creates legal confusion as to whether these children are victims or perpetrators, but it also undermines the recovery of child victims and puts them at risk of further trauma by falsely labeling them as criminals.

This policy also violates a minor’s right to protection from abuse by a caregiver. The Texas Family Code explicitly states that minors have the right to a “prompt and thorough investigation of a report of child abuse or neglect allegedly committed by a person responsible for a child’s care, custody, or welfare” ([Tx. Fam. Code Sec. 261.301\(a\)](#)). A ‘caregiver’ is defined as a person responsible for a child’s care, custody, or welfare, including all relative and non-relative individuals within the household ([Tx. Fam. Code Sec. 261.001\(5\)\(B\)](#); [Tx. Fam. Code Sec. 71.005](#)). When perpetrators provide shelter, care, or resources or cohabit with a child, they inadvertently qualify as caregivers, and the child’s right to investigation of abuse is therefore protected. However, when

a minor is charged with prostitution, the child is stripped of this right and instead punished for being the victim.

House Bill 1771, a bipartisan bill from the 86th Texas Legislature, aimed to combat this misalignment by prohibiting the prosecution of or referral to juvenile court for minors found to be participating in prostitution. Instead, the bill directed law enforcement to deliver the child to a parent, or, in the case the parent cannot be located, to contact a local service provider or care coordinator as well as the child sex trafficking prevention unit to provide a caseworker and service plan. If these providers were not available, the bill would have had law enforcement transfer the management and casework to DFPS ([HB 1771, 2019](#)). Although the bill was passed by both the Texas House and Texas Senate, Gov. Greg Abbott vetoed it amidst concerns surrounding the lack of options for law enforcement to separate the victim from the abuse and the possibility of an increased desire for abusers to seek out minors presuming the minor could not be detained ([Abbott, 2019](#)).

A significant amount of conversation surrounding this area of policy has been focused on addressing the buyers of commercial sex as an attempt to lower demand. The Texas office of the attorney general has developed a policy recommendation that utilizes a supply-demand approach. This policy would increase the penalty for first- and second-time buyers of commercial sex, with a second offense leading to a state jail felony. It also makes both first misdemeanor and first felony individual sellers of commercial sex a mandatory community supervision offense, commonly known as adult probation, and requires the individual sellers to participate in commercially sexually exploited persons court programs if such a program is offered in their area ([Office of the Attorney General, 2018](#)).

Commercially sexually exploited persons court programs aim to educate participants, connect individuals to counseling services, and provide a supportive network to help individuals escape a life of sexual exploitation ([Tx. Gov. Code Sec. 126.001\(a\)](#)). These programs are currently offered in Bexar, Dallas, Harris, Tarrant, and Travis counties. Using a collaborative, non-adversarial approach, the courts work with mental and physical health providers as well as community NGOs to promote healing from trauma and the exit from the commercial sex industry, as well as to decrease the demand for commercial sex. In the 86th Legislature, Texas made these specialty courts a requirement

in all counties with over 200,000 people, a step in the right direction toward shifting to a rehabilitative approach to addressing the commercial sex industry ([Tx. Gov. Code Sec. 126.007\(a\)](#)).

## Vulnerable Populations

### Children and Youth

Children and youth are especially at risk of becoming victims. Recent numbers from 2018 and preliminary 2019 numbers show nearly a quarter of all trafficking cases in Texas involve children ([National Human Trafficking Hotline, 2019](#)). Furthermore, the University of Texas at Austin estimates there are almost 79,000 minor sex trafficking victims in Texas at any given time ([Busch-Armendariz et al., p. 13](#)). The estimated economic impact of child sex trafficking to Texas is over \$6 billion ([Busch-Armendariz et al., p. 14](#)).

Common types of minor exploitation include escort services, outdoor solicitation, residential brothels, online pornography, and peddling and begging ([Polaris, 2017](#)).

Additionally, inter-familial trafficking is a common occurrence. In 2018, familial trafficking was the second most common recruitment tactic reported by survivors ([Polaris, 2019a, p. 4](#)). Children are typically born into this life of victimization with the abuse beginning at a young age, causing the child to develop a false mentality of normalcy surrounding sexual abuse and violence, discouraging them from disclosing their abuse. One study found this type of exploitation began before the age of 10 for 76% of the sample of inter-familial trafficking victims ([THORN, 2018, p. 24](#)).

A DOJ review of the literature on sex trafficking reports that it commonly begins between the ages of 12 and 14, while the National Center for Missing and Exploited Children claims the average age of victims who were reported missing is 15 ([Office of Juvenile Justice and Delinquency Prevention, 2014, p. 2](#); [National Center for Missing & Exploited Children, 2020](#)). Although there is some variability in data, the consensus of the research shows that adolescence, particularly from age 12 to 17, is a high-risk developmental stage that should be treated with special caution.

Risk profiles for minors typically show a combination of high-risk behaviors, juvenile justice or child welfare system involvement, and a history of previous maltreatment—specifically sexual abuse or assault. Other factors include a history of running away, notably chronic running away, homelessness, substance abuse by oneself or an adult in the

When a minor is charged with prostitution, the child is stripped of the right to investigation of abuse and punished for being the victim.

home, and mental health issues ([Office of Juvenile Justice and Delinquency Prevention, 2014, p. 3](#)). Although common themes have emerged in the research, it is important to note that victim profiles are diverse, and stakeholders should work to eradicate the “illusionary profile of a ‘good or worthy’ human trafficking victim” ([Reid et al., 2018, p. 9](#)).

In addition to the pre-existing trauma experienced prior to trafficking, there are additional adverse physical and psychological consequences following victimization. Survivors show common themes of posttraumatic stress disorder, depression, emotion-regulation issues such as aggression and hostility, Stockholm syndrome, and memory loss ([Office of Juvenile Justice and Delinquency Prevention, 2014, p. 3](#)). While there are evidence-based therapeutic methods for children who have been sexually abused by a single perpetrator, a child who has been *sexually exploited* will have more complex needs ([Fong & Cardosa, 2010](#)). It is critical for child welfare stakeholders to refer to a variety of services that address the psychological, physical, and social integration needs of the survivor.

### **Foster Youth**

Out-of-home placements induce additional vulnerabilities for children. Separation from their nuclear family, coupled with a history of abuse or neglect, creates a complex trauma profile that places foster youth at a greater risk of being targets for exploitation. Traffickers will often exploit the foster child’s innate desire for love, connection, and trust to lure them with empty promises of family, community, or even romantic relationships. One study in Florida found that children who are placed in foster care are twice as likely to experience trafficking ([Gibbs et al., 2018](#)). Additionally, a study of 10 cities found that 29% of youth involved in sex trafficking and 26% involved in labor trafficking had a history of foster care involvement ([Murphy, 2016, p. 6](#)).

The experiences of foster children prior to entrance into care, as well as while in care, also affect their risk of becoming trafficking victims. For example, a Florida study found that a child who entered foster care due to sexual abuse, specifically when that abuse was in combination with other types of maltreatment, is five times more likely to become a trafficking victim ([Gibbs et al., 2018](#)). Likewise, children with multiple placements while in care and those placed in congregate settings are at greater risk of victimization than their peers placed in stable, foster family homes. The Florida study found that children with three or more placements were four times as likely to experience trafficking, and a congregate care placement made the child over five times as likely to become victimized ([Gibbs et al., 2018](#)).

In 2018, 1,843 children went missing from care in Texas. Among those youth, over two thirds were between the ages

of 15-17—one of the highest-risk age ranges for trafficking. While the Department of Family and Protective Services (DFPS) was ultimately able to recover 1,582 of those who went missing, 105 disclosed that they were victimized, and 52 revealed that they were sex-trafficked during the time they were away from care. Over the past three years, the percentage of children missing from care has stayed relatively constant when compared to the number of children in DFPS conservatorship; however, the number of children disclosing victimization while missing has almost doubled since 2016 ([Texas Department of Family and Protective Services, 2019a, pp. 7-8](#)).

When foster youth turn 18 and they have not been adopted or reunified with their family, they are emancipated and “age out” of the system. In 2018, 17,844 youth emancipated from care in the United States ([Administration for Children, Youth and Families, Children’s Bureau, 2019](#)). Aging out is accompanied by a variety of adverse health, education, and employment outcomes, increased justice system involvement, higher rates of substance abuse, and a future of housing instability ([Youth.gov, n.d.](#)). A recent study by the University of Chicago’s Chapin Hall found that 36% of youth who age out of care experience homelessness at least once before the age of 26 ([Dworsky et al., 2013](#)).

### **Homeless Youth**

Homelessness, whether from running away, aging out of foster care, or familial poverty, is a precursor to trafficking victimization. Once on the street, traffickers can easily identify a homeless youth’s vulnerabilities. Traffickers use various methods of recruitment, such as bribing youth with their drug or alcohol dependency, providing shelter or money, enticing them with a job proposition, or beginning an intimate relationship with them to earn their trust ([Office of Juvenile Justice and Delinquency Prevention, 2014, p. 5](#)).

With higher rates of primary risk factors such as trauma, poverty, and housing insecurity, it is estimated that 1 in 5 homeless youth has been a victim of trafficking ([Murphy, 2016, p. 4](#)). Unfortunately, the number of public school students experiencing homelessness is the highest it has been in a decade, according to a recent study published by the National Center for Homeless Education. Since 2015, there has been a 15% increase in total students experiencing homelessness, with a 137% increase in *unsheltered* students. In the 2017-2018 school year, 231,305 Texas public school students experienced homelessness, with 6 to 9.9% being unaccompanied youth—meaning between 13,800 and 22,900 youth were unaccompanied and at greater risk of victimization. Texas also shows the most dramatic increase in the nation, with a 100% increase in total student

homelessness over the past three years ([National Center for Homeless Education, 2020, pp. 12-17](#)).

This rise in youth homelessness is consistent with the rise in trafficking victimization. Although current numbers show victimization for homeless youth occurring at a rate of 19%, exposure is much higher as nearly 91% of the homeless youth studied had been approached by someone mirroring the behaviors of typical recruitment tactics ([Murphy, 2016, p. 6](#)). As a subcohort of the larger demographic of homeless youth, youth who have aged out of the foster care system to homelessness have increased rates of victimization. While this subcohort made up 21% of the sample studied, they accounted for 29% of the homeless youth who reported victimization ([Murphy, 2016, p. 6](#)).

### Prevention Through Reducing Entries Into Foster Care

Foster care provides various avenues for children and aging-out youth to become victims. Sadly, entry rates into Texas foster care have been mirroring the upward trend of trafficking victims over the past 10 years. The reasons children enter foster care can include one type of maltreatment or a combination of neglect, physical abuse, sexual abuse, parental substance abuse, or inadequate housing (National Data Archive on Child Abuse and Neglect, personal communication, 2017<sup>\*</sup>). Although the percent of entries for sexual abuse, physical abuse, and inadequate housing have fallen in Texas since 2009, the number of children entering care due to allegations of neglect and substance abuse have risen, with 92% of entries including an allegation of neglect (National Data Archive on Child Abuse and Neglect, personal communication, July 2019).

An interesting characteristic among youth who run away from care is the amount who claim they ran *to* something rather than *away* from something. This includes running to social supports, extracurriculars, peers, family, and normalcy (Crosland et al., 2017). In Texas, the top three reported reasons for running away were anger at CPS, dissatisfaction with the rules in the current placement setting, and desire to be on one's own; however, 16% of recovered foster youth claimed they ran away from care to see their family or relatives ([Texas Department of Family and Protective Services, 2019a](#)). This, in combination with the other most common reasons, provides evidence that youth are

risking their safety and well-being to return to a sense of normalcy, possibly due to unnecessary removal.

The rising number of neglect allegations is a cause for concern. Neglect is a broad term that lacks a clear and concise definition that, in practice, often results in a subjective call made by the caseworker. It is important for caseworkers to meticulously identify the difference between *chronic* neglect and *situational* neglect. Chronic neglect is reoccurring, purposeful, and reckless. Situational neglect is a side effect of an underlying factor, such as poverty, mental illness, or a substance use disorder. While chronic neglect that puts a child at risk of imminent harm does require action by CPS, situational neglect can be a byproduct of other issues that could be better addressed through less disruptive community-based services.

In cases where there is evidence of danger to the child, alternative responses to removal are a hopeful practice that should continue to be utilized through community service provider partnerships. Alternatives to removal include Family-Based Safety Services (FBSS), Parent Child Safety Placements (PCSP), or removing the accused perpetrator from the home ([Texas Department of Family and Protective Services, n.d.](#)). Texas should work to put clear guidelines around these programs to make them a more effective tool for reducing removals of children while protecting the fundamental right of families to live free from unnecessary government intervention. In addition, as Texas continues to expand community-based care, the state should explore ways to transfer some of these services to regional providers who specialize in family intervention services.

Finally, the state should take a hard look at the standards and procedures it employs when making difficult decisions regarding removing children from their families. Examples of effective changes include balancing the trauma and risks to the child caused by removal with the immediate danger posed by leaving the child with their family, and increasing evidentiary standards required before removing children into foster care. By raising the evidentiary standard of proof for removals in adversary hearings from “a person of ordinary prudence and caution” to “preponderance of the evidence,” CPS and judges will have clearer guidelines regarding when it is appropriate to remove the child. Decreasing the number of children entering care by reforming CPS investigative procedures will decrease the number

Youth are risking their safety and well-being to return to a sense of normalcy, possibly due to unnecessary removal.

\* The data used in this publication (Dataset 225, AFCARS Foster Care File 2017) were obtained from the National Data Archive on Child Abuse and Neglect and have been used in accordance with its Terms of Use Agreement license. The Administration on Children, Youth and Families, the Children's Bureau, the original dataset collection personnel or funding source, NDACAN, Cornell University and their agents or employees bear no responsibility for the analyses or interpretations presented here.

of runaways, ease the burden of congregate care placements, and reduce the number of youth who age out—lowering the number of children at risk of being trafficked.

## Prioritizing Community-Based Prevention and Response

### *Continue Expanding Community-Based Care*

Community-based care is the localization of the previous state-run system that was providing a one-size-fits-all approach to the Texas foster care system. The new, regionalized model keeps CPS as the primary investigator while giving contracted service providers control over the case management and placement of the foster children they serve. By recognizing the unique needs within each region of Texas, the goal of community-based care is to encourage innovation in service options, promote community involvement and accountability, and produce better overall outcomes for children and families ([Texas Department of Family and Protective Services, 2019b](#)).

Current data on community-based care is limited due to the multi-stage implementation process. Furthest along in the implementation, Region 3b has already shown significant improvements in lowering institutional placement settings, lowering the average number of placement settings, and increasing geographic proximity—three major risk factors for trafficking victimization.

In 2019, Region 3b foster children spent 81% of their days in a foster family or kinship home, a 6% increase from the state-run system ([Texas Department of Family and Protective Services, 2019b, p. 6](#)). Foster family homes provide an environment that promotes trust and helps build a reliable and healthy support system for the child, while a large portion of the children who are trafficked out of care were in institutional settings. Lower rates of institutional settings can help lower the rate of trafficked foster youth as the majority of youth missing from care were in an institutional setting ([Texas Department of Family and Protective Services, 2019a, p. 6](#)).

Previous research in Florida has found that trafficked foster youth are likely to have experienced three or more placement settings prior to their disappearance ([Gibbs et al., 2018](#)). Fortunately, Region 3b has succeeded in lowering their placement rates, with an average of 1.4 placements per foster child. This lower placement rate can increase stability for children and, as a result, mitigate risk and lower the number of children becoming victimized

([Texas Department of Family and Protective Services, 2019b, p.6](#)).

The most recent data on placement proximity shows that 75% of Region 3b children were placed within 50 miles of their home, a 12% increase from the state-run system ([Texas Department of Family and Protective Services, 2019c, p.5](#)). This provides children the opportunity to continue to develop healthy support networks while limiting the trauma associated with an out-of-home placement. Additionally, keeping children in their home communities eliminates the desire to run to normalcy, family, or peers and has the potential to lower the amount of anger toward the system, leading to a decreased desire to run away from placement.

### *Continue Innovating Community Collaboration*

Community collaboration is a crucial aspect in the fight against trafficking. Currently, the Texas Human Trafficking Prevention Task Force, administered by the Office of the Attorney General of Texas, partners with over 50 member agencies, consisting of state and local government agencies, law enforcement, and nongovernmental organizations ([Office of the Attorney General, 2018](#)). The office of the governor also has a designated Child Sex Trafficking Team that was established to promote capacity-building and effective collaboration.

The Child Sex Trafficking Team works closely with care coordinators. These

coordinators work to develop multidisciplinary teams that facilitate the collaboration between community service providers such as law enforcement, health services, juvenile justice, and other stakeholders to develop strategic response and care plans. While large urban areas currently have these teams, the Child Sex Trafficking Team is working with the Children's Advocacy Center of Texas to expand the implementation of these teams throughout Texas.

In addition to care coordination teams, Commercially Sexually Exploited Youth (CSEY) advocacy programs exist throughout the state. CSEY advocacy agencies are NGOs that provide crisis management and long-term victim services and case management. These agencies currently have a large presence in urban areas, but much of the state does not have this type of agency in their community. Continuing to expand these programs would provide for more long-term case management and services ([Office of the Texas Governor, n.d.](#)).

**Situational neglect can be a byproduct of other issues that could be better addressed through less disruptive community-based services than through removal.**

Innovation in law enforcement response and priority has gained some traction in recent years. For example, the National Johns Suppression Initiative, spearheaded by the sheriff's office in Cook County, Illinois, is a national initiative aimed at empowering law enforcement agencies to target and deter buyers of commercial sex as an alternative to arresting sex workers. With 14 states currently engaging in this national initiative, law enforcement agencies across the nation are posting decoy advertisements and deterrence messaging to online buyers. In 2019, this initiative led to the arrest of 372 sex buyers and nearly 8,500 deterrence messages sent to buyers. The three participating agencies in Texas—the sheriff's office in Harris County and Tarrant County and the Houston Police Department—arrested 128 sex buyers during this initiative ([Cook County Sheriff's Office, 2019](#)).

### ***Explore the Creation of a Three-Digit Hotline Number***

In 2018, the number 1 form of communication with the National Human Trafficking Hotline was phone calls, bringing in 28,335 calls ([Polaris 2019a, p. 1](#)). However, a 2018 study found over two thirds of the sample of trafficking survivors were unaware of a hotline number during the period of their victimization, with 74% claiming a helpline number would have been beneficial ([THORN, 2018, p. 48](#)). The Organization of American States noted several characteristics that are essential to an effective hotline. One characteristic the United States is lacking is having a number that is “easy to remember” ([Organization of American States, 2019, p.81](#)). Some countries have implemented three- or four-digit hotline numbers under the recommendations and previous research by the Organization of American States, and the United States should work toward developing a three-digit number to replace the current 11-digit number to increase recognition and feasibility for victims.

In 2019, the Federal Communications Commission voted to create a 3-digit number for the National Suicide Prevention and Mental Health Hotline. The creation of this number was recommended to “make it easier for Americans in crisis to access potentially life-saving resources” as well as “reduce the stigma” of the sensitive topic ([Federal Communications Commission, 2019](#)). In 2019, Texas SB 1219 was passed; this bill requires posting signs regarding victim resources and services in trafficking hotspots. By expanding the required locations of these postings and adding the 3-digit hotline, Texas could emphasize the domestic crisis, help community members become more receptive to suspicious activity, and provide further opportunities for victims to self-identify ([SB 1219, 2019](#)).

## **Policy Recommendations**

### ***Bring Texas Law into Better Alignment with TVPA***

The Texas attorney general declared that “sex trafficking of children can be completed by any means and does not require the use of force, fraud, or coercion” ([Office of the Attorney General, n.d.](#)), yet Texas Penal Code allows for minors to be charged with prostitution. As discussed, in 2019, Gov. Abbott vetoed HB 1771, a bill that would have decriminalized child prostitution due to the lack of an adequate response mechanism for law enforcement. However, Texas policy must comply with the federal standards defined by TVPA.

When a minor refuses to cooperate or denies victimization, one alternative for law enforcement is utilizing the “conduct in need of supervision” status offense (Family Code §51.03). By creating a provision to qualify juvenile “prostitution” under this statute, the state can create a low-level offense with little retribution. However, this offense should be used strictly as a mechanism for law enforcement to detain the minor in a secure Texas Juvenile Justice Department (TJJD) residential treatment facility that can provide the minor with trauma-informed care, not as a punitive measure. Additionally, minors charged with this offense should have their juvenile records expunged or, at the minimum, under a non-disclosure clause as a criminal record can hinder the opportunity for quality employment—leading youth into a cycle of justice system involvement and back into a life of sex work.

Although detaining a victim is not ideal, in some cases it is the only option to prevent high-risk youth from running away from services back to their abuser. The TJJD model has been significantly improved since 2015, moving to a community-based, restorative and rehabilitative approach. TJJD currently contracts with eight NGO residential care providers that are contractually obligated to provide quality treatment services. Upon entering a residential care facility, TJJD case management specialists provide casework services through the creation of an individualized treatment plan, consisting of various recovery services ([Texas Juvenile Justice Department, 2017](#)). This case manager will be a critical aspect to ensuring the youth receives a trauma-informed recovery plan.

## **Conclusion**

As the number of domestic human trafficking victims continues to rise each year, it is vital for the United States and Texas to continue innovating our prevention, intervention, and policy solutions. Because children are a particularly high-risk population, it is critical to utilize developmentally appropriate responses for this population and have a deep

understanding of the populations that are being disproportionately affected.

Texas must address how the child welfare system is contributing to the rising numbers in human trafficking victims. As more children enter care, more children are at risk of becoming victims of trafficking due to increased trauma, lack of positive relationships, and a general lack of emotional and economic stability. By prioritizing alternative responses to removals, such as FBSS and PCSP, CPS can ease the burden on the foster care system and keep families together, providing children the stability needed to lower the likelihood of future victimization.

Texas has made several strides in utilizing a victim-centered approach, although the Penal Code failing to exclude minors from the definition of prostitution further perpetuates the false idea that these youth are criminals, rather than the reality of their victimization. Texas should move toward excluding children from being criminalized and instead utilizing the “conduct in need of supervision” status offense and sealing the victim’s juvenile record. Overall, this will eliminate the conflict between state and federal policy, alter existing schemas surrounding child sexual exploitation, and protect victims of abuse from entering a cycle of justice system involvement through a rehabilitative and collaborative approach.

Community recognition, involvement, and response are critical in the fight against domestic human trafficking. Through expanding community-based foster care, continuing community collaboration through care coordination, and exploring the creation of a 3-digit hotline, Texas can continue to be a leading advocate for victims and survivors of modern-day slavery. ★

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