



Public Safety Office
Office of the Governor

Human Trafficking & Exploitation

*CHILD PROTECTION COURT
AD LITEM SEMINAR*

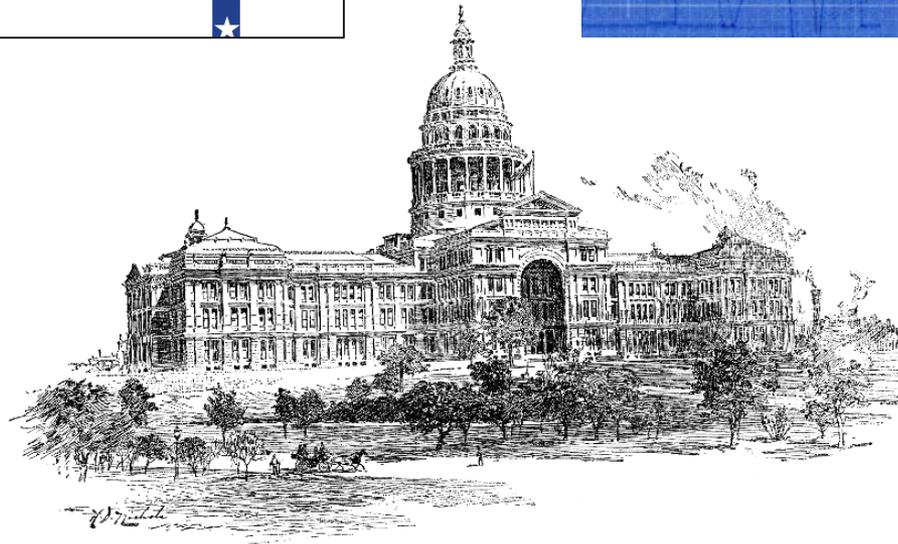
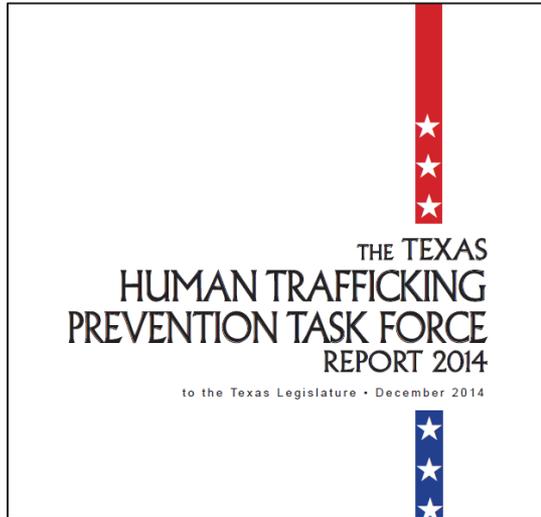
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Texas Governor's Office

April 13, 2018



The Governor's Child Sex Trafficking Team

Creation of a statewide program



Legislative History

Sex Trafficking

Texas Penal Code

ACTION	MEANS	PURPOSE
<p>Traffics:</p> <ul style="list-style-type: none"> • transports, • entices, • recruits, • harbors, • provides, OR • otherwise obtains by any means 	<p>Through force, fraud, or coercion, causes the trafficked person to engage in <i>(if victim over 18)</i></p> <p>By any means causes the trafficked child to engage in, or become the victim of conduct prohibited by <i>(no force, fraud or coercion required if victim is under 18)</i></p>	<ul style="list-style-type: none"> • Prostitution • Promotion of prostitution • Aggravated promotion of prostitution • Compelling prostitution <p>Also includes additional conduct if victim is a child <i>(continuous sexual abuse; indecency; sexual assault; sexual performance; employment harmful to children; child pornography)</i></p>



Child Sex Trafficking

Texas Penal Code

Child sex trafficking occurs when a person knowingly*:

- **Traffics** a child under the age of 18 and causes the child by any means to engage in or become the victim of **commercial sexual exploitation**
- **Receives a benefit** from participating in a venture that involves this activity
- **Engages in sexual conduct** with a trafficked child

**Regardless of whether they know the age of the child*



Legislative Timeline

2000



Trafficking Victims Protection Act (TVPA)

- 3 P Paradigm: Prosecution, Protection, and Prevention
- *“knowingly recruits, entices, harbors, transports, provides, obtains... knowing...that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act” 18 U.S.C. § 1591*
 - Later: *advertises, maintains, patronizes, or solicits*
- Grant Opportunities
- Reauthorizations: 2003, 2005, 2008, and 2013
 - Evolved understanding, including the needs of domestic victims



Legislative Timeline

TVPA;
2000



Palermo Protocols

- United Nations Convention Against Transnational Organized Crime
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children
- Adopted by the UN General Assembly in October 2000 and effective December 25, 2003



Legislative Timeline

TVPA;
Palermo
2000

2003

78th Texas Legislature

- Texas is 1 of only 2 states with a specific statute
- Created Penal Code Chapter 20A.02 (Trafficking of Persons)
- Transportation component
- Deception, coercion, or force
- 2nd degree felony; 1st degree for CST under 14



Legislative Timeline

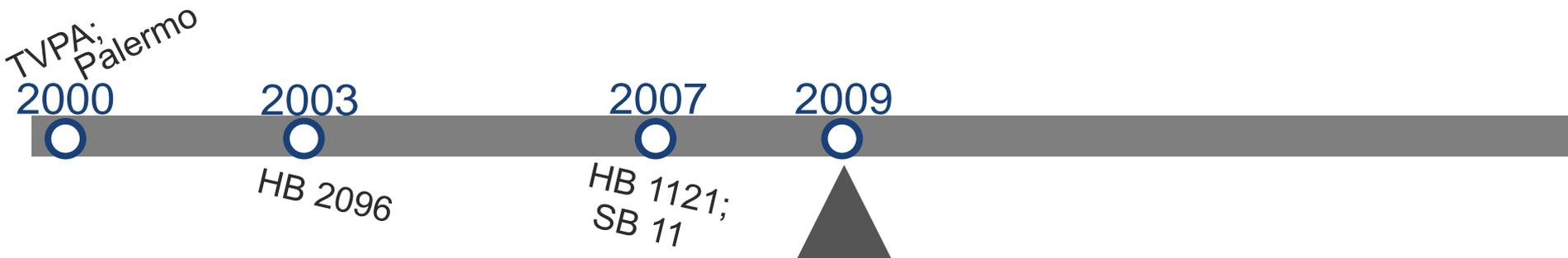


80th Texas Legislature

- Penalized those who benefit from trafficking
- Removed transportation requirement
- Complicated the elements necessary for conviction
- Mandatory posting of hotline number in certain establishments
- 1st degree felony for CST under 18 (raised from under 14)



Legislative Timeline

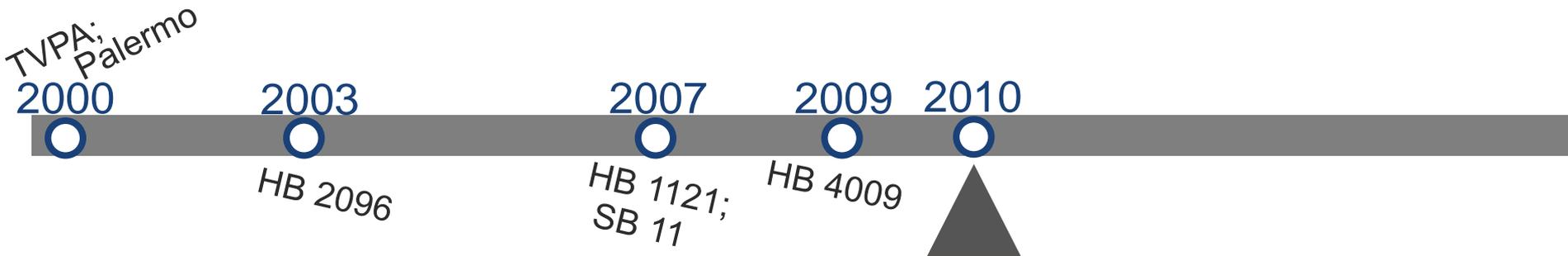


81st Texas Legislature

- Created the Human Trafficking Prevention Task Force
- Mandatory training for police officers
- Victim age for compelling prostitution raised from 17 to 18
- Knowledge of victim age not necessary for trafficking or compelling
- Study of alternatives to juvenile justice for children in prostitution
- Affirmative defense to prostitution charges for victims



Legislative Timeline



In re B.W. (Texas Supreme Court)

- 13 year old CPS runaway
- 32 year old boyfriend
- Picked up in a vice sting for agreeing to oral sex: \$20
- Did the Legislature intend to permit prosecution of a 13 year old for prostitution, considering that a child under 14 cannot consent to sex with an adult?
- Held: Children under 14 cannot be charged with prostitution



In re B.W. (Tex. 2010)

6-3

Majority:

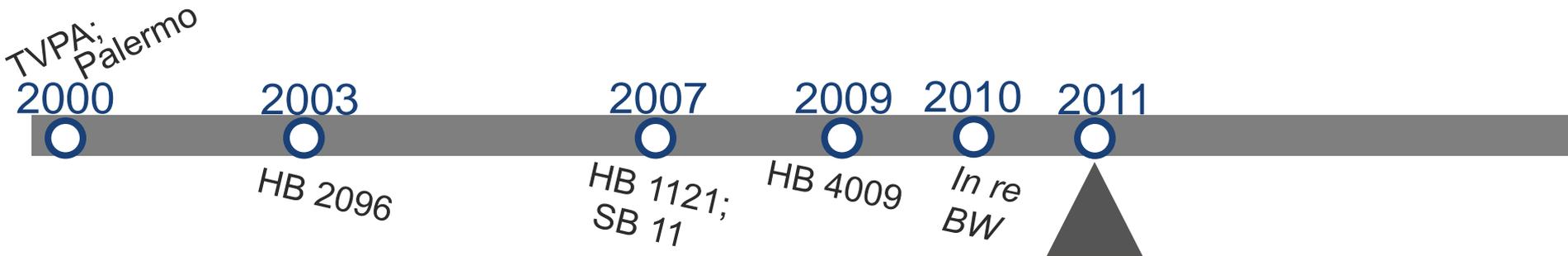
Children are the victims, not the perpetrators, of child prostitution. Children do not freely choose a life of prostitution, and experts have described in detail the extent to which they are manipulated and controlled by their exploiters...In the absence of a clear indication that the Legislature intended to subject children under fourteen to prosecution for prostitution when they lack the capacity as a matter of law, we hold that a child under the age of fourteen may not be charged with that offense.

Dissent:

The Court sends B.W. back to CPS and the temporary placement that has already proven, in her case, inadequate to treat her...the Legislature did not modify the Family Code to exempt teenagers from delinquency adjudication for prostitution. But the Court's opinion today does just that and removes the juvenile justice system as a viable alternative to CPS and other treatment programs for minors younger than fourteen who are accused of prostitution.



Legislative Timeline



82nd Texas Legislature

- Simplified the elements for conviction
- Separated labor and sex trafficking
- Removed requirement to prove force, fraud, or coercion
- Prostitution becomes Conduct Indicating a Need for Supervision (CINS)
- Sex offender registration for trafficking
- Compelling a minor is enhanced to 2nd degree felony
- Trafficking included as a form of child abuse



Trafficking & Child Abuse

Texas Family Code

(1) "Abuse" includes the following acts or omissions by a person:

(G) *compelling or encouraging the child to engage in sexual conduct as defined by Section [43.01](#), Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section [20A.02](#)(a)(7) or (8), Penal Code, prostitution under Section [43.02](#)(b), Penal Code, or compelling prostitution under Section [43.05](#)(a)(2), Penal Code;*

(L) *knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section [20A.02](#)(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections.*

Sec. 261.001



Trafficking & Child Abuse

Texas Family Code

INVESTIGATION OF REPORT.

(a) With assistance from the appropriate state or local law enforcement agency as provided by this section, [DFPS] shall make 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*.

Sec. 261.301.

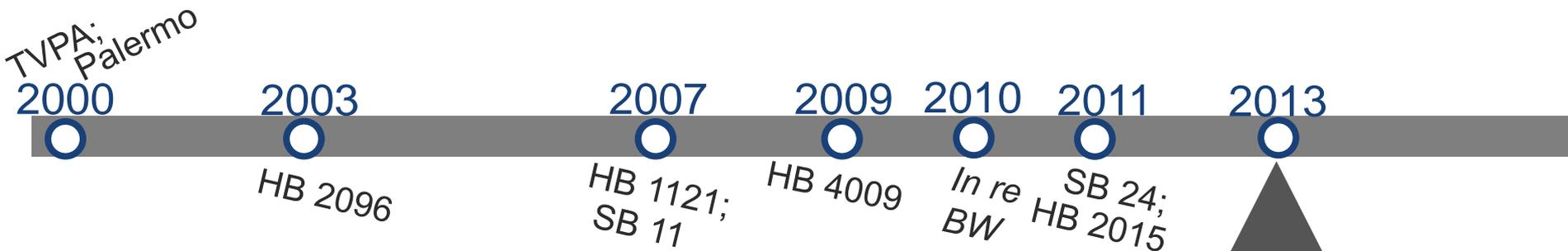
(5) "Person responsible for a child's care, custody, or welfare" means a person who traditionally is responsible for a child's care, custody, or welfare, including:

- (A) a parent, guardian, managing or possessory conservator, or foster parent of the child;
- (B) a member of the child's family or household as defined by Chapter [71](#);
- (C) a person with whom the child's parent cohabits;
- (D) school personnel or a volunteer at the child's school; or
- (E) personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides.

Sec. 261.001



Legislative Timeline

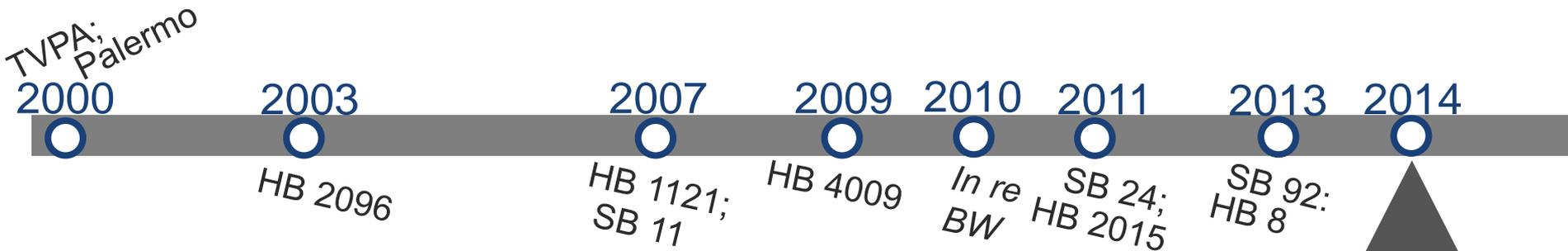


83rd Texas Legislature

- Trafficked Persons Program: deferred adjudication and dismissal in juvenile justice system
- Shared jurisdiction between juvenile justice and child abuse
- Added trafficking to Crime Victim Compensation
- Soliciting a child for prostitution is enhanced to a 2nd degree felony (previously 3rd degree for 14-17)



Legislative Timeline

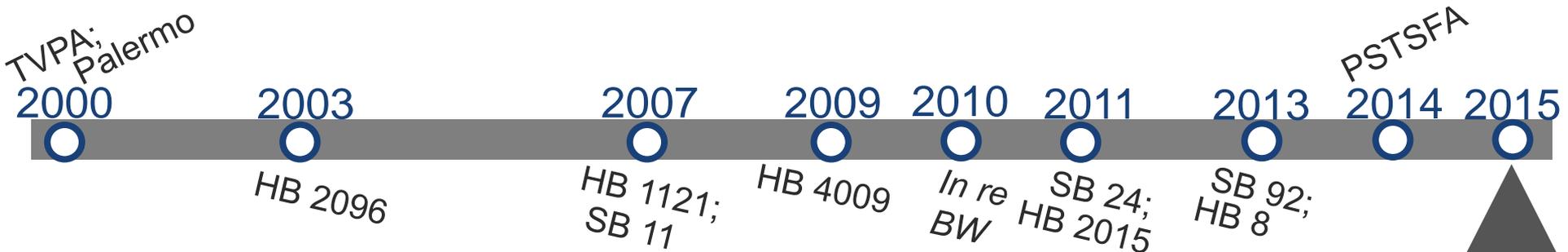


Preventing Sex Trafficking & Strengthening Families Act (PSTSFA)

- Addition of state plan requirements for child sex trafficking
- Child welfare identification of exploited children and determination of appropriate services
- Ties to Title IV-E funding
- Children missing from foster care



Legislative Timeline

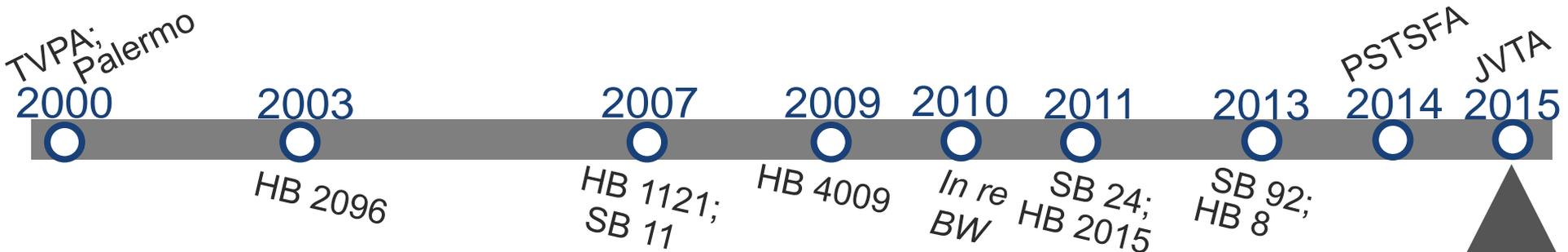


Justice for Victims of Trafficking Act (JVTA)

- Clarifies the inclusion of buyers
- Grant programs
 - Incentives for diverting victims and clearing records
- CAPTA amendments
 - Training child welfare to identify, assess, and provide services
 - Identification and tracking of reports involving CST



Legislative Timeline



84th Texas Legislature

- Creation of the Child Sex Trafficking Team
- Buyers face same enhanced penalties in decoy operations
- Sex offender registry for engaging in prostitution with minors
- Extended statute of limitations for compelling prostitution of a minor



The Governor's Child Sex Trafficking Team

Texas Government Code §§ 772.0062 – 772.0063

Assist agencies in leveraging and coordinating state resources

Collect and analyze research and information

Provide support for prosecutions

Facilitate collaborative efforts to prevent, recover, and restore

Coordinate with state and local law enforcement, state agencies, and service providers to identify child sex trafficking victims

Coordinate with local service providers to create a customized package of services to fit the immediate and long-term rehabilitation and treatment needs



Recent Updates

- **Federal Legislation**

- FOSTA/SESTA

- **85th Legislative Session**

- HB 29: Human trafficking omnibus bill. Strict liability across child sexual abuse offenses; cleans up distinction in prostitution statute; removes task force sunset; provides OAG with authority for civil investigative demands in civil racketeering based on trafficking; hotline posters in SOB restrooms; CDL training program.
- HB 2552: Addresses illicit massage parlors through nuisance/abatement and DTPA; requires trafficking signage in abortion facilities, emergency departments, and hair salons; training for cosmetologists.
- SB 128: Training and informational materials on the recognition and prevention of human trafficking for CDL applicants.
- HB 322: Expanded OND for trafficking victims from prostitution to low level theft, marijuana, and promotion of prostitution
- SB 11: CPS/Foster Care Omnibus (includes provisions on forced marriage; caseworker training on human trafficking)
- HB 1503: Information on reported child abductions shall be provided by law enforcement to the missing children and missing persons clearinghouse within 8 hours.
- SB 1571: Outlines procedures for release of a child taken into possession by a law enforcement officer in an emergency without a court order.



Challenges

The Potential Number of Texas Victims is Hard to Believe... and Growing.

In December 2016, the University of Texas estimated that there were **79,000 children and young adults (18-25)** in Texas that had been or were being sex trafficked.



It is Hard to Understand How this Happens

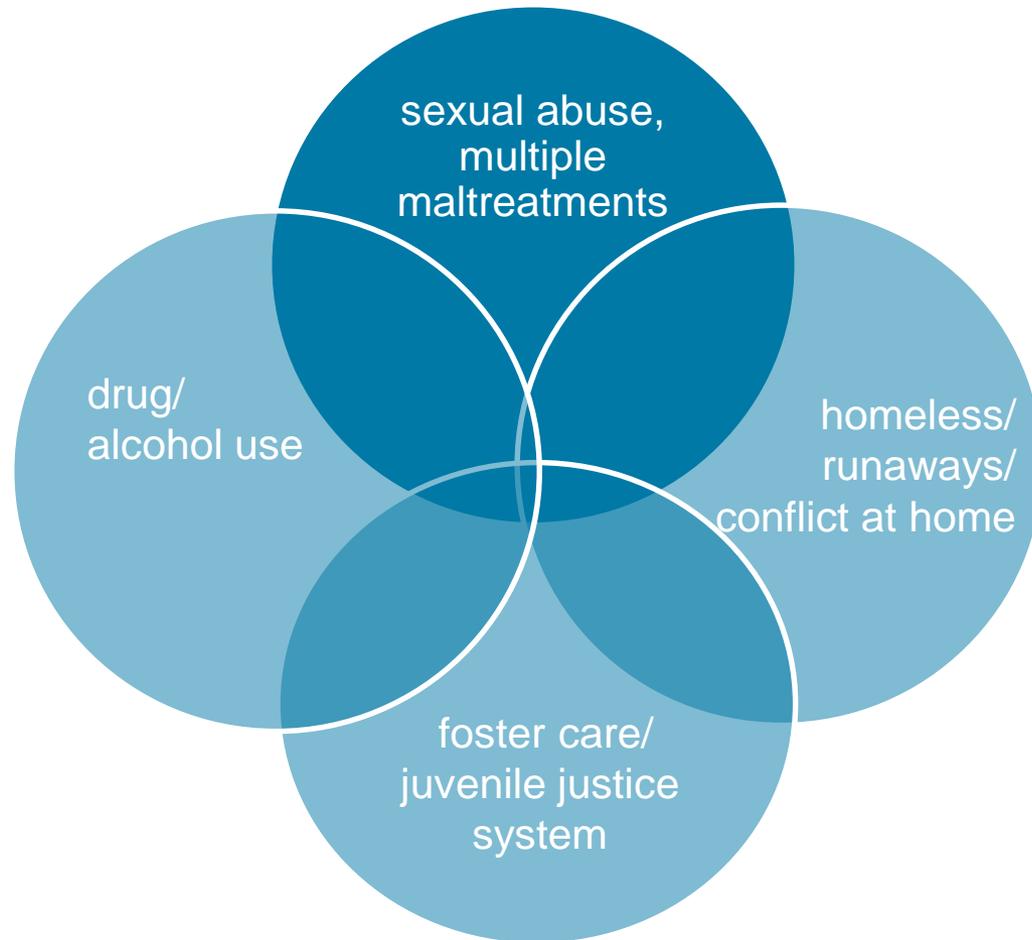
Traffickers are often people that victims love and trust. And, there is almost always a progression of control that gets harder and harder to escape.



Making of a Girl

Our Most Traumatized Children are Those at Highest Risk.

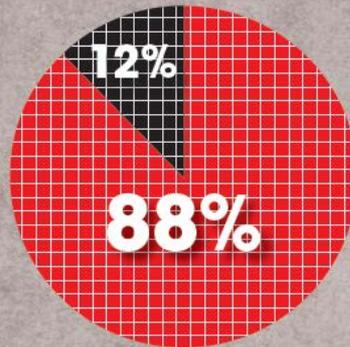
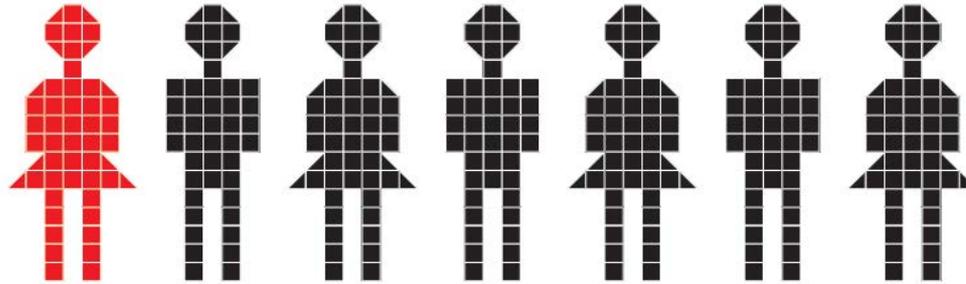
The more risk factors a child is exposed to, the greater the risk.



National Center for Missing & Exploited Children

CHILD SEX TRAFFICKING

Of the nearly 25,000 runaways reported to NCMEC in 2017, **one in seven** were likely victims of child sex trafficking.



Of those, **88 percent** were in the care of social services when they went missing.



Popular Conceptions of Trafficking are Misleading

“The hardest thing is that you are in plain sight. We are not going to walk up and say ‘please help me.’” CST survivor



In Reality, Most Victims are Hidden in Plain Sight

And, by the time we recognize them, the effects of the abuse is severe. The road to wellbeing is long.



Physical Abuse

“(My pimp) had his girls out on the streets every night. It was either you made the (money) for him or you got beat.” CST Survivor

Most common forms

- Gunshot
 - Strangulation
 - Burned
 - Kicked
 - Punched
 - Stabbed
 - Raped
 - Penetrated – foreign object
- 92% suffer from at least one type
 - Average suffer from 6 types
 - 8 of the 12 types were experienced by > ½ of the victims including strangulation

Lederer and Wetzel, Annals of Health Law, vol 23, 2014



Substance Abuse

“They never asked me why I was on drugs. If they had, I would have told them he fed them to me.” CST survivor

- 84% used alcohol or drugs
- 28% forced to use by trafficker
- 26% overdosed



Sexual Abuse

“In most of (my six abortions), I was under serious pressure from my pimps to abort the babies.” CST survivor

- Average 13 buyers / day
- Median of 10 and some reported 30 - 50
- 71% \geq 1 pregnancy
- 21% \geq 5 pregnancies
- 55% \geq 1 miscarriage
- 30% multiple miscarriages
- 50% \geq 1 abortion
- 30% multiple

Lederer and Wetzel, Annals of Health Law, vol 23, 2014



Emotional and Mental Abuse

“What your trafficker tells you is exactly right. No one cares about you – they think you are the criminal.” CST survivor

- Humiliation
- Extreme Stress/Distress
- Forced to abuse others, watch others be abused
- Disassociation
- “Trauma bonded” with traffickers – a defense mechanism
 - Adaptive response to an excessively abusive, repeatedly traumatic environment
 - Emotional ties to perpetrator and to other girls involved
- Depersonalization/Loss of identity
 - Can’t live without trafficker/stable

Lederer and Wetzel, Annals of Health Law, vol 23, 2014



Trauma Bonds Can Make Victims Seem Complicit in Their Exploitation

“I was trauma bonded with my trafficker because in order to survive, to go on, my mind had to be in align with his, and I had to accept my fate.” CST Survivor

Traffickers:

- Create trauma bonds with their victims to prevent them from escaping and to ensure victim’s loyalty to the trafficker.
- Use torture tactics – fear, violence, and isolation and intermittent small acts of kindness.
- Blame and shame victims for their own victimization.
- Convince their victims that there is no turning back.



Victims:

- Are hyper vigilant to exploiter’s needs, moods, and tries to keep peace by going along.
- Are extremely grateful for small kindness.
- Rationalize and blame self for violence.
- Believe they have some control and choice in exploitation.
- Protect the trafficker at all costs.

Public Perception of Survivors is Misleading

Thankful to have been rescued. Feel safe and loved.



Realities of Survivors in Treatment are Difficult

Still traumatized and afraid. Flight, fight and/or freeze PTSD responses and more:



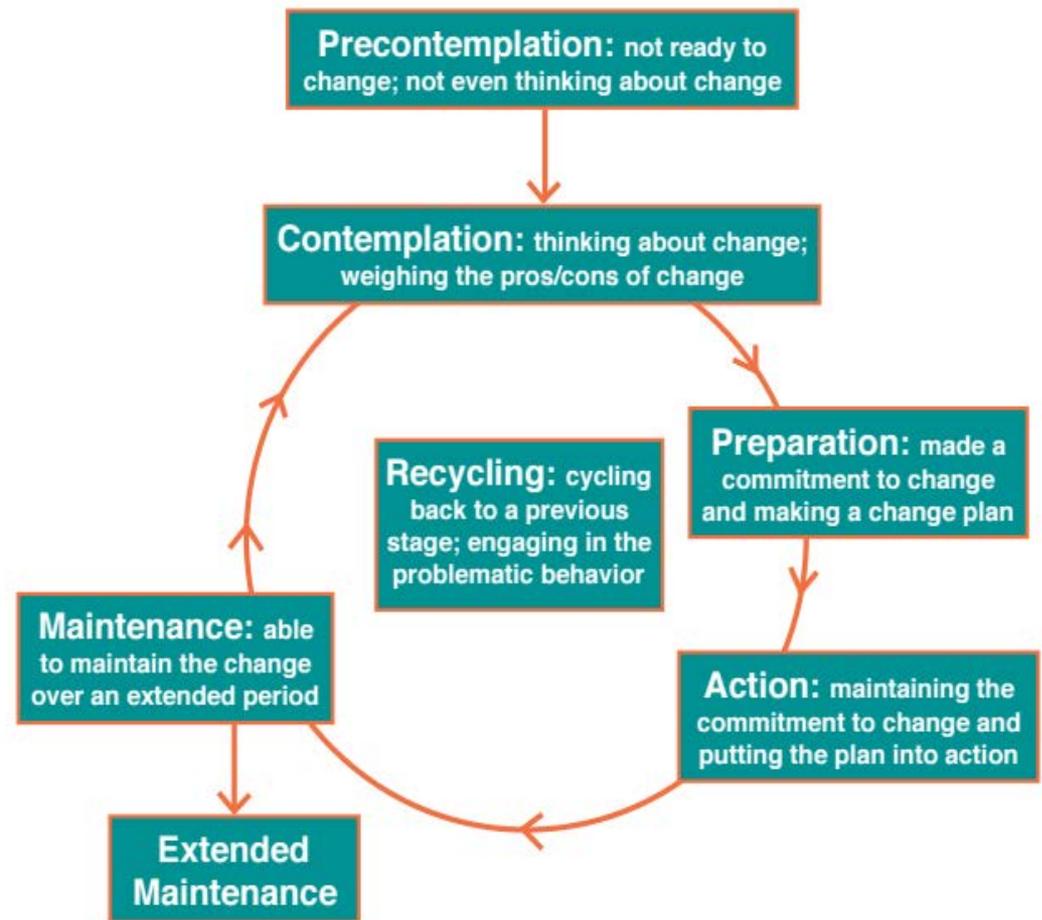
Complex trauma symptoms:

- Difficulty regulating affective impulses such as anger and self-destructiveness
- Dissociative episodes (mentally disconnect from body)
- Difficulty trusting people or feeling intimate
- Making choices that repeat destructive patterns
- Hopelessness or despair
- Somatic or medical problems.
- *A chronic sense of shame (blame self for victimization)*



Lasting Change Takes a Few Setbacks and Lots of Time and Investment

Survivors move through a cyclical process of escape from exploitation. Re-victimization is often part of that process but each re-lapse is an opportunity to learn, grow stronger, and get closer to freedom for good.



Adapted from DiClemente, C.C. (2003). *Addiction and Change: How Addictions Develop and Addicted People Recover*. New York, NY: The Guilford Press. © Guilford Press. Reprinted with permission of the Guilford Press.



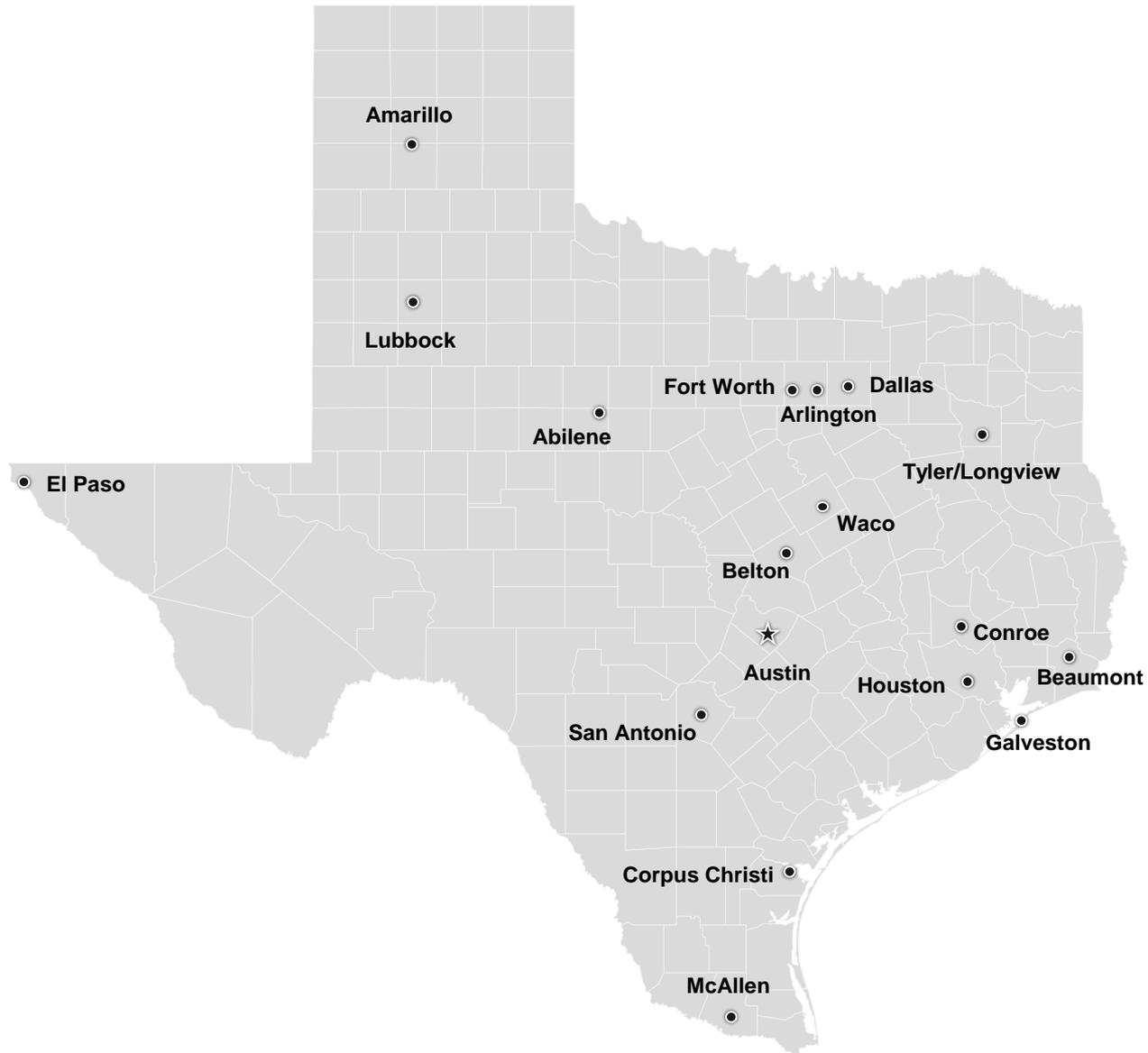
Red Flags

- Changes in school attendance habits, appearance, socio-economics, friend groups, interests, school activities, vocabulary, demeanor, attitude and sexual behavior
- Luxury items without an explainable source of income
- Multiple phone or social media accounts – lying about the existence of those or refusing parental access; sexually provocative pictures on phone or accounts
- Unexplained injuries: bruising; swelling; redness; cigarette burns
- Third party control of schedule and social interaction



Progress and Hope

Texas Local Task Forces / Coalitions



Child Sex Trafficking Team

Goals and High Level Strategies

Bring justice for survivors by holding exploiters accountable.

- Provide training and resources to LE, prosecutors and judges to hold exploiters accountable
- Empower survivors in criminal justice activities
- Shift policies and cultural norms from blaming victims to holding perpetrators accountable



Restore survivors through immediate and long-term services they need to heal and thrive.

- Develop a statewide network of 5 regional continua of care
- Ensure continuous quality improvement through program evaluation and research on promising and innovative practices

Recover survivors through collaborative efforts spanning multiple systems.

- Develop and empower local victim care coordination teams
- Train law enforcement, other first responders and stakeholders in trauma informed recovery
- Develop specialized emergency assessment centers and protocols

Protect children by building their awareness of and reducing their vulnerability to exploitation and by curbing demand for child sexual exploitation.

- Implement prevention education in schools
- Develop and support programs that reduce the vulnerability of high risk youth
- Develop and fund demand reduction activities statewide
- Fund and share research on child sexual exploitation

Recognize child sexual exploitation in all its forms and identify victims.

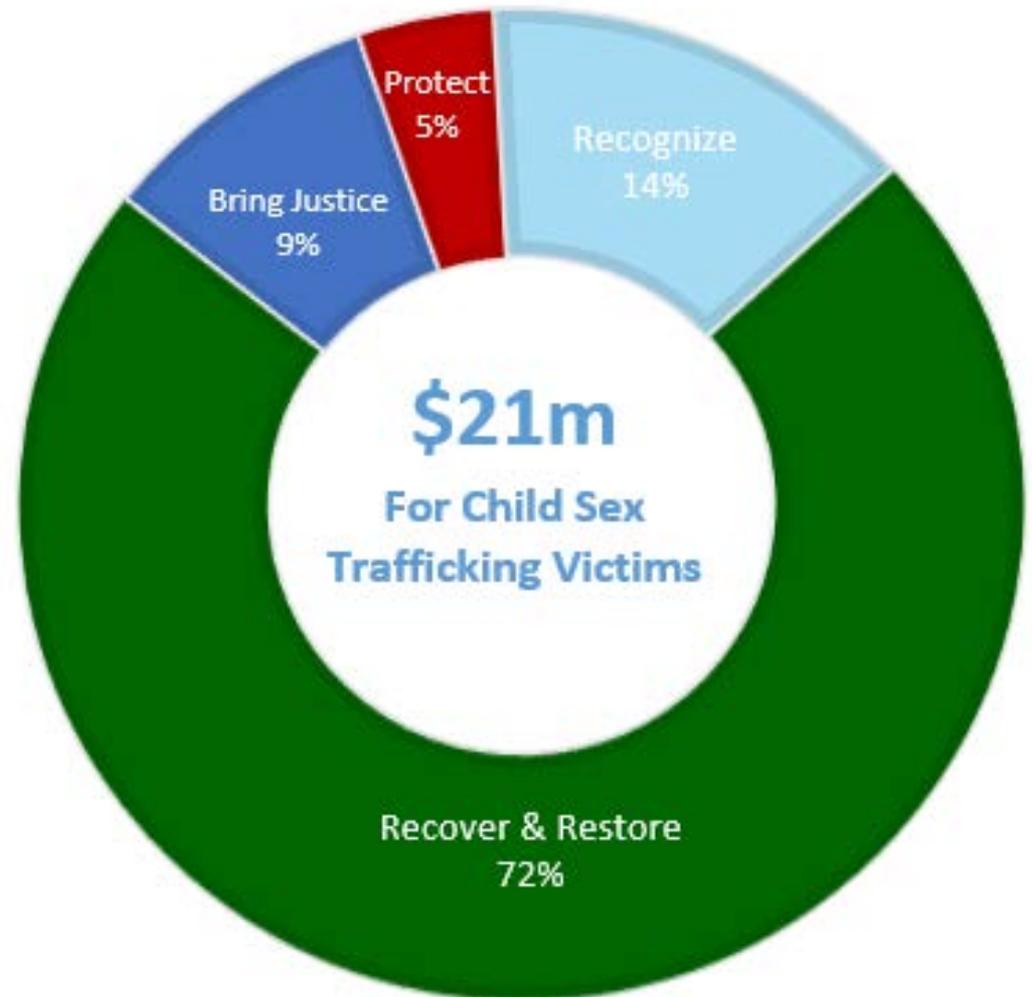
- Implement screening tool within child serving agencies
- Partner with national, state and local agencies to develop targeted strategies to raise awareness, and to increase recognition and reporting of exploitation and identification of its victims



Investment in Our Strategies So Far

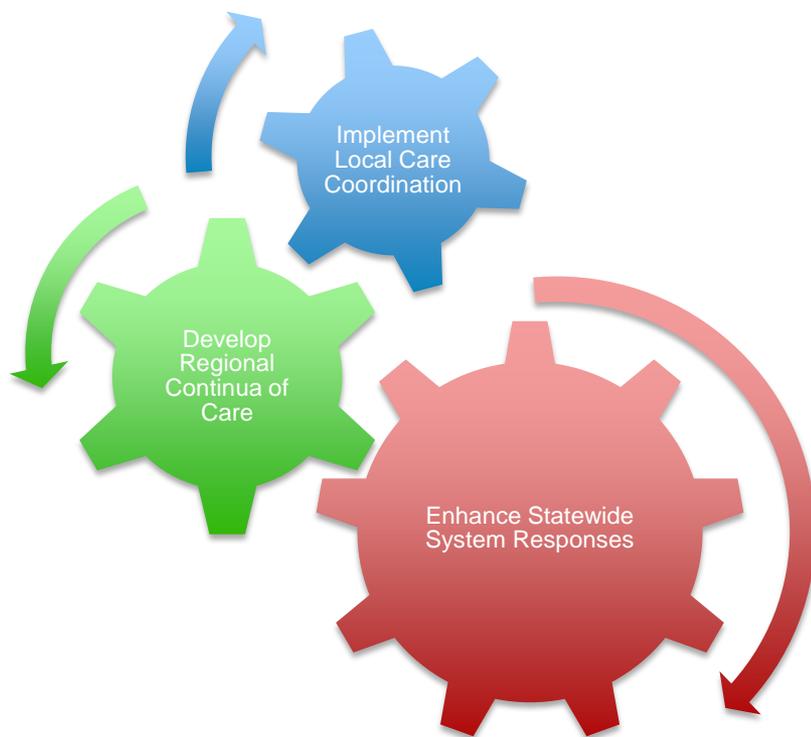
Since CSTT's launch, over \$21 million in projects have been funded, focused largely on providing critical services to survivors.

The Legislature appropriated \$5.7 million for the 2016/2017 and the 2018/2019 biennium. With additional grant funding, we've been able to invest \$21 million in our strategies so far.



Texas' Size and Diversity and the Urgency of Victims' Needs Necessitates a Concurrent Approach

We work **statewide** to improve system responses and raise awareness, **regionally** to develop regional continua of care, and **locally** to implement the coordination of care for survivors.

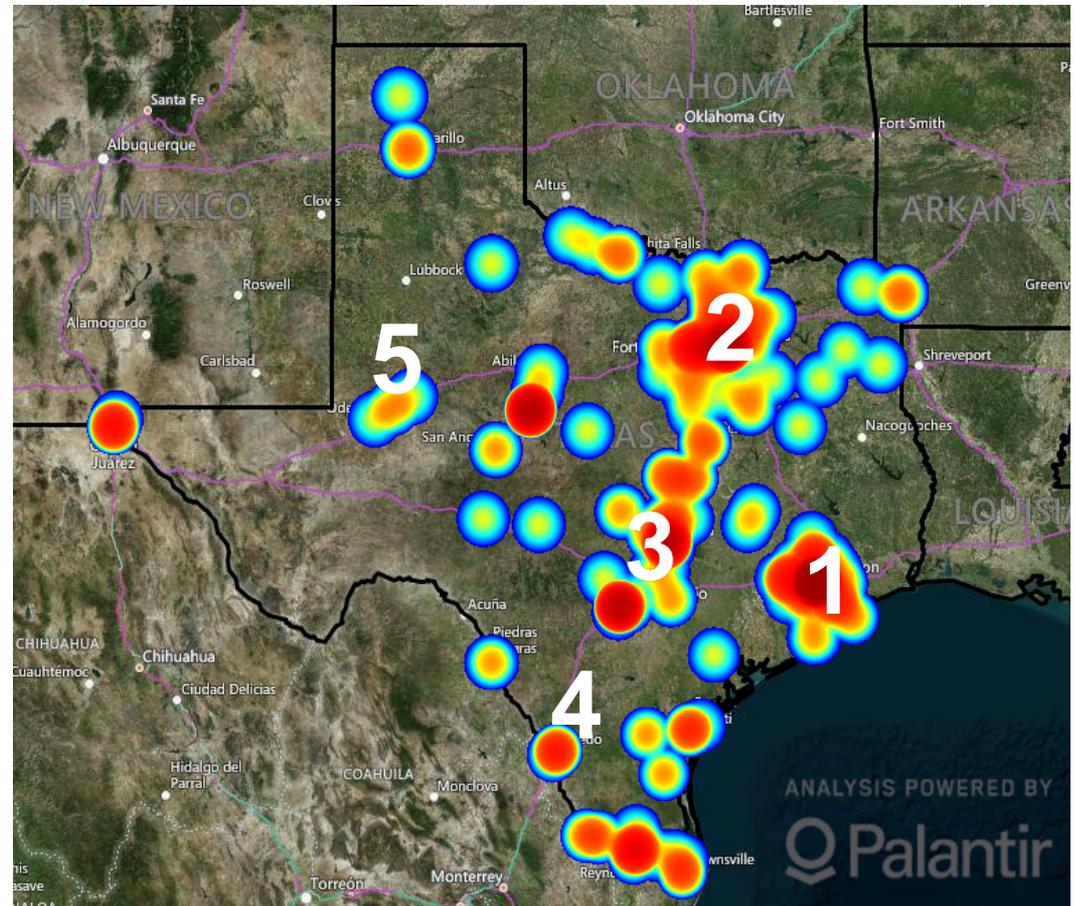


Regional Continua of Survivor Care

Each region will have the tools, training, and services needed to ensure that victims are recognized, recovered, and given the trauma-responsive services needed to heal and thrive in the short and long-term.

Each region will have a **CSTT Regional Administrator** to ensure growth and continuous improvement of the continua.

1. East Texas
2. North Texas
3. South Texas
4. Central Texas
5. West Texas



Regional Continua of Survivor Care

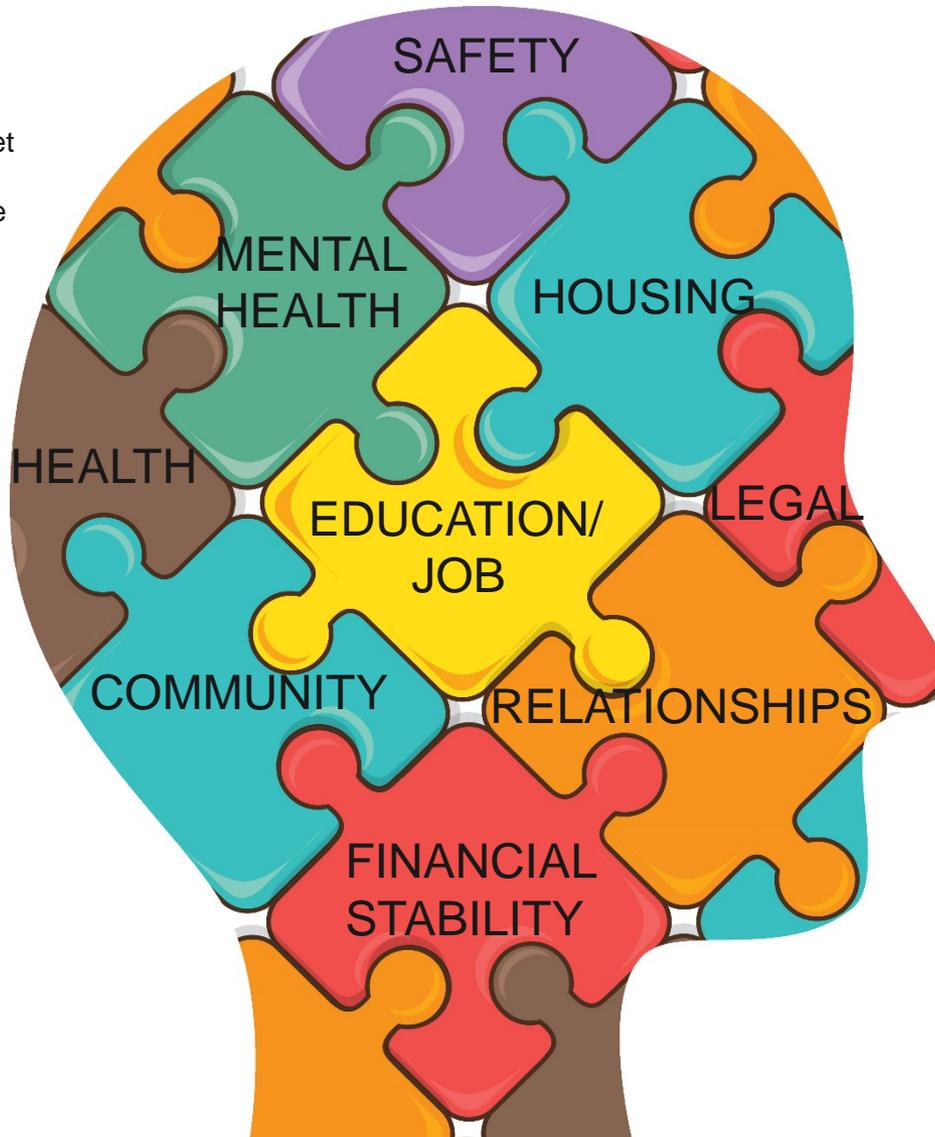
It takes a variety of services in the short and long term to put the pieces together.

Drop in programs and street outreach. Safe homes. Safety planning. Protective orders.

Emergency and ongoing medical and behavioral health services, including inpatient and community options.

Customized educational and vocational services and mentoring.

Transition back into the community. Opportunities for survivor leadership.



Specialized emergency and long term placements. In-home care and family support. Supportive housing.

Legal representation for set-aside of related criminal history, for family matters, and any other legal needs.

Personal advocates that build trust based relationships that support survivors throughout recovery and restoration. Peer support. Family therapy.

Financial assistance to access services. Help with credit recovery and debt issues, financial security.

Statewide Strategies

Highlights of Urgent and/or Common Needs

- **Prevention education:** supporting youth and families with the knowledge and skills to stay safe
- **Identification of victims through uniform screening:** rolling out CSE-IT in DFPS, juvenile justice, and community agencies
- **Improved DFPS response:** creation of new Human Trafficking & Child Exploitation Team; trainings; policies/procedures; screening; placements/services
- **Improved juvenile justice response:** screenings; trauma-informed responses; replicating model services
- **Healthy, supportive relationships:** advocacy programs for victims, family supports, drop in centers
- **Braided funding:** leveraging foster care, juvenile justice, CVC, Medicaid, grants, private dollars for victims



Questions?

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