

HIGH MODERNISM OF HUMAN TRAFFICKING:  
IDEOLOGICAL CRITICISM OF CENTRAL PLANNERS  
AND THEIR IMPACT ON NGOs IN TEXAS

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AND THEIR IMPACT ON NGOs IN TEXAS

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By

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## **ABSTRACT**

Human trafficking, the twenty-first century's modern-day slavery, is considered one of the fastest-growing criminal industries in the world and a serious social problem that has caught the attention of governmental agencies, non-governmental organizations (NGOs) and academic scholars. It is the victims of human trafficking who are at the center of this ongoing debate of accurately identifying and countering human trafficking, and yet victims' voices struggle to gain a platform in human trafficking legislation. This thesis explores the gaps in the current trafficking agenda in Texas as it bears the weight of the government's *central planners*, as they engineer a vision of prosecution, prevention, and protection and translate them from a global to a state level and seeks to offer an explanation for the persistence of these gaps in victim's advocacy and services. To address the challenges of human trafficking in Texas, a macro analysis of James Scott's "high modernism" and Michel Foucault's concepts of discipline as a means for a state to use social systems to regulate legibility create the framework for why government subsequently allow for *unintended* consequences and their effect on individuals. In the case of human trafficking, legislation has led to the delicate relationship between NGO's and law enforcement agencies.

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## Introduction

Slavery was, in a very real sense, the first international human rights issue to come to the fore. It led to the adoption of the first human rights laws and to the creation of the first human rights non-governmental organization. And yet despite the efforts of the international community to combat this abhorrent practice, it is still widely prevalent in all its insidious forms, old and new.

—UN Secretary General Kofi Annan<sup>1</sup>

Twenty-first-century human trafficking is considered one of the fastest growing forms of transnational crime and a dynamic problem that has caught the attention of governmental agencies, non-governmental organizations (NGOs) and academic scholars.<sup>2</sup> It is the victims of human trafficking who are at the center of an ongoing debate and research on accurately identifying and countering human trafficking. Nonetheless, victims and activists' voices struggle to gain a platform in the legal anti-trafficking discourse.

In Texas each year approximately “one out of every five [U.S.] trafficking victims” will travel along I-10.<sup>3</sup> The Office of the Attorney General (OAG) and Texas Legislature are addressing the scourge of human trafficking in Texas with new legislative bills, a Human Trafficking Prevention Task Force, and an increase in law enforcement training. Alongside them, providing services and advocating for victims, are the human-trafficking NGOs in Texas. Together the two highlight the complicated struggle of human trafficking as a human rights issue when competing interests result in *unintended* inadequacies of partnership between law enforcement agencies and NGOs, and produce fissures and

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<sup>1</sup> UN Days December, April 26, 2014, <http://intuition-in-service.org/december.cfm>.

<sup>2</sup> Louise Shelley, *Human Trafficking: A Global Perspective* (New York: Cambridge University Press, 2010), 2.

<sup>3</sup> Texas Advisory Committee, *Human Trafficking in Texas: More Resource and Resolve needed to Stem Surge of Modern Day Slavery*, U.S. Commission on Civil Rights (2011), 4, [http://www.usccr.gov/pubs/TX\\_HT\\_Report--ver%2050--FINAL.pdf](http://www.usccr.gov/pubs/TX_HT_Report--ver%2050--FINAL.pdf).

barriers in the state's abilities to protect the victims of human trafficking. This thesis explores the gaps in the current trafficking agenda in Texas as it bears the weight of the government's central planners, in this case legislators, as they engineer a vision of prosecution, prevention, and protection that is translated from a global to a state level. It offers an explanation for the persistence of these gaps in victims' advocacy and services.

The anti-trafficking campaign is not a new phenomenon. The modern discussion of human trafficking is heavily influenced by the trafficking narrative of the nineteenth century as a human rights concern. As a society began to restructure itself around the globalization and capitalism in the 1880s, social reforms and hysteria become the backdrop for progress. Author Nickie Roberts explains:

Mass trade unionism, revolutionary ideologies, the sexually liberal culture of the urban poor, and the entry en masse of young girls into labour force, all combined to throw elements of the bourgeoisie into a panic: the fabric of the middle-class social order was apparently at threat.<sup>4</sup>

Jo Doezeema, a sex workers activist and academic, writes that the threat was "the deeper fear and anxieties about sexuality, the role of women, class and race" all manifested itself in the form of "white slavery" and the emotive "trafficking of women" narrative.<sup>5</sup> White slavery was defined as the "procurement, by force, deceit or drugs, of a white woman or girl against her will, for prostitution."<sup>6</sup> The ideology that sprung forth from the nature

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<sup>4</sup> Nickie Roberts, *Whores in History: Prostitution in Western Society* (London: Harper Collins Publishers, 1992), 245, quoted in Ukri Soirila, "Trafficking in Human Beings and Foucauldian Biopower: A Case Study in the Expansion of the Human Rights Phenomenon" (Master's Thesis, University of Helsinki, 2011), 9, <http://urn.fi/URN:NBN:fi-fe201112206101>.

<sup>5</sup> Jo Doezeema, "Loose Women or Lost Women: The Re-emergence of the Myth of White Slavery in Contemporary Discourses of Trafficking in Women," *Gender Issues* 18, no.1 (2000): 25.

<sup>6</sup> *Ibid.*, 25.



of the crime and definition, Doezeema argues, created a political myth of the innocent, chaste, virginal victim and an evil trafficker distorting the truth of human trafficking and sensationalizing the crime.<sup>7</sup> Dr. Kathleen Berry, a feminist human rights activist, discusses how the narrative's use of "prostitution" in trafficking allowed the state to exploit social reforms to regulate laws and policies.<sup>8</sup> Since "trafficking" took the stage in the nineteenth century, the melodramatic narrative has provided a discourse for anti-prostitution abolitionism and has disregarded the human rights-based objective in favor of criminalizing offenders and rescuing *defined* victims.<sup>9</sup>

The white slavery movement did however help capture the public's interest and "trafficking" continued to dominate human rights campaigns during the beginning half of the nineteenth century. In 1904, the League of Nations created the International Agreement for Suppression of the White Slave Traffic. A few years later the United States Congress passed the White Slave Traffic Act, also known as the Mann Act of 1910, addressing human trafficking concerns at a national level. By 1949, the UN's Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others was adopted and ratified by thirteen nations, including the United States.<sup>10</sup> Unfortunately, the second half of the twentieth century human trafficking concerns took a back seat to global conflicts. Since then, the problem of human trafficking has not been mitigated but rather

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<sup>7</sup> Jo Doezeema, *Sex Slaves and Discourse Masters: The Construction of Trafficking* (London/New York: Zed Books, 2010), 30-73.

<sup>8</sup> Kathleen Barry, *Female Sexual Slavery* (New Jersey: Prentice-Hall, 1979), 14-38.

<sup>9</sup> Carol S. Vance, "Innocence and Experience: Melodramatic Narratives of Sex Trafficking and Their Consequences for Law and Policy," *History of the Present: A Journal of Critical History*, 2, no. 2 (2012): 200-217.

<sup>10</sup> United Nations General Assembly, *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* (New York: 1950), [https://treaties.un.org/Pages/ViewDetails.aspx?mtsg\\_no=VII-11-a&chapter=7&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?mtsg_no=VII-11-a&chapter=7&lang=en).

exasperated by “displacement, mass migration and globalization” in the last fifty years.<sup>11</sup> By 2000, the international and national communities’ awareness for human trafficking resurfaced with new international protocols, federal laws and state laws. The framework of these law are considered to be “victim-centered” driven, however the understanding of what it means to be victim-centered is altered by the predisposition of the actors and the bureaucratization of human trafficking that allows a state to punish, exclude and dominate a society through policy. Previous anti-trafficking campaigns and governmental actions of the nineteenth century were a harness to other political campaigns. Costas Douzinas, the author of *The End of Human Rights*, argues that human rights issues have become “not just restraints on power; they are tools of the new society of control.”<sup>12</sup> It is the state control that creates additional challenges for victims and victim’s services providers in Texas.

This paper offers a macro analysis of human trafficking reform challenges as assessed by James Scott’s “high modernism.”<sup>13</sup> Scott defines high modernism, in *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, as the state or central planner’s ability to simplify and engineer social systems by making them more legible for control.<sup>14</sup> Additionally, the architectonics of Michel Foucault’s concepts of institutional control to discipline individuals through the means of correct training contributes to the framework of Scott’s analysis of state legibility and high modernism.<sup>15</sup>

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<sup>11</sup> Doezeema, “Loose Women or Lost Women,” 46.

<sup>12</sup> Costas Douzinas, *The End of Human Right: Critical Legal Thought at the Turn of the Century* (Oxford: Hart Publishing, 2000), 380, quoted in Ukri Soirila, “Trafficking in Human Beings and Foucauldian Biopower: A Case Study in the Expansion of the Human Rights Phenomenon” (Master’s Thesis, University of Helsinki, 2011), 4, <http://urn.fi/URN:NBN:fi-fe201112206101>.

<sup>13</sup> James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998), 5.

<sup>14</sup> Scott, *Seeing Like a State*, 230-250.

<sup>15</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison* (1979; repr., New York: Vintage Books, 1995), 170-194.

These scholars' work underlines the rationale for legislative reforms on multiple scalar levels, from the United Nation's Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Woman and Children (UN TIP Protocol) to the United States' Federal Trafficking Victims Protection Act (TVPA) to the Texas' Legislation today, as all policies become a resource to be to be deployed in the interest of state power to dominate the legal and political discourse of human trafficking

This paper on human trafficking in Texas looks at the case of state planning in a very different setting and offers an explanation to how the state planning can sometimes put victims at a disadvantage. It incorporates research undertaken through questionnaires and interviews from NGOs who set on the task force board; Mosaic Family Services, Houston Rescue and Restore Coalition, YMCA International (Houston), and Children at Risk, including non-profit human trafficking interests groups Laster Global Consulting and Tarhirih Justice Center to examine how the Texas legislature incorporates a "victim-centered approach" and what this means for NGOs' relationships with law enforcement agencies. The first section outlines the twentieth-century development of anti-trafficking legislation from the international to state level. It also looks at the progress of human trafficking legislation has made in Texas. The second section introduces the idea of high modernism and uses this concept as a framework for the thesis. This schema illuminates the relationship between NGOs and law enforcement agencies and suggests that the victims-centered approach is discarded due to the discriminating interventions the high modernist ideology provides a state. The final section looks at the future of human trafficking's discourse in Texas and a way of approaching the overly detailed legislation and uncertain partnerships abilities to protect and service victims. In my interview with

executive director Maria Trujillo of Houston Rescue and Restore Coalition (HRRC), she stressed the need for a state wide assessment of all NGOs and parallel movements, namely anti-poverty campaigns, the LGBT communities, homeless and domestic shelters, labor unions to share their “metis” or practical knowledge on the present situation and create strategies that better protect victims.<sup>16</sup>

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<sup>16</sup> Scott, *Seeing Like a State*, 352.

## **I. Central Planners**

The architect of social change can never have a reliable blueprint. Not only is the each house he builds different from any other that was built before, but it necessarily uses new construction materials and even experiments with untested principles of stress and structure. Therefore what can be most usefully conveyed by the builders of one house is an understanding of the experience that made it at all possible to build under these trying circumstances.

—Albert Hirschman, *Seeing Like a State*<sup>17</sup>

### **A. Human Trafficking Policy: Globally and Nationally**

Human trafficking is the second most profitable transnational crime generating an estimated thirty-two billion dollar industry a year.<sup>18</sup> In light of its immense profitability, the international community has responded to address the problem of the international trafficking of human beings. Section one reviews current human trafficking definitions, legislation and protocols from 2000 to presently, on a global, national and state level. This paper acknowledges that there have been several definitions of human trafficking, as well as legislative acts and UN declarations in the past, the following research will focus on the terminology and policies that are currently dictating trafficking procedure today.

#### **A-1. United Nations: Palermo Protocol**

In December 2000 in Palermo, Italy, UN Secretary General Kofi Annan called for the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Woman and Children (UN TIP Protocol) or “Palermo Protocol,” as one of three protocols supplementing the United Nations Convention against Transnational Organized

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<sup>17</sup> Albert O. Hirschman, “The Search for Paradigms as a Hindrance to Understanding,” *World Politics* 22 (1970): 243.

<sup>18</sup> Louise Shelly, *Human Trafficking*, 7.

Crime.<sup>19</sup> As of 2014, it has been ratified by 159 states including the United States in 2005.<sup>20</sup>

The Palermo Protocol created a comprehensive international trafficking definition with the purpose of incorporating sex trafficking, forced labor, slavery and servitude under one general trafficking umbrella. The 2000 UN TIP Protocol definition of trafficking is as following:

*Article 3. Use of terms*

For the purposes of this Protocol:

(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

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<sup>19</sup> United Nations Treaty Collections, “The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime,” *Chapter XVIII Penal Matters*, November 15, 2000, <https://treaties.un.org/>.

<sup>20</sup> Ibid.

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age<sup>21</sup>

This definition does not include the Travaux Préparatoires, which have allowed for over 120 countries (including the United States) to make adjustments to the protocols language before ratifying.<sup>22</sup> Italicized below are the additions and changes to the protocols original language:

(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability (1): *“The travaux preparatoires should indicate that the reference to the abuse of a position of vulnerability is understood to refer to any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved,* “or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual

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<sup>21</sup> United Nations, “The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Conventions against Transnational Organized Crime,” *United Nations*, 2000,

[http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf).

<sup>22</sup> “UN Protocol,” *Freedom Network USA*, accessed March 17, 2014, <http://freedomnetworkusa.org/what-is-human-trafficking/un-protocol/>.

exploitation (2): *“The travaux préparatoires should indicate that the Protocol addresses the exploitation of prostitution and other forms of sexual exploitation only in the context of trafficking in persons. The terms “exploitation of the prostitution of other” or “other forms of sexual exploitation” are not defined in the Protocol, which is therefore without prejudice to how States Parties address prostitution in their respective domestic laws.”*, forced labor or services, slavery or practices similar to slavery [with footnote on illegal adoptions], servitude or the removal or organs [with footnote explanation];

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) shall be irrelevant where any of the means set forth in subparagraph (a) are established; (4): *The travaux préparatoires should indicate that subparagraph (b) should not be interpreted as imposing any restriction on the right of accused persons to a full defense and to the presumption of innocence.*(5): *“[The travaux préparatoires] should also indicate that it should not be interpreted as imposing on the victim the burden of proof. As in any criminal case, the burden of proof is on the State or public prosecutor, in accordance with domestic law. Further, the travaux préparatoires will refer to article 11, paragraph 6, of the Convention, which preserves applicable legal defenses and other related principles of the domestic laws of States Parties.”*

(c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered “trafficking in



persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.<sup>23</sup>

The Palermo Protocol is a “codification of consent in international agreement”; however, the difference in rhetoric makes a substantial change in the overall definition and what it is that states are actually agreeing to.<sup>24</sup> In part (a) the Travaux Préparatoires makes a distinction to the definition that a victims must indicate “vulnerability” and that prostitution as a profession legalized by individual domestic government are not to be considered “prostitution of other” or “other forms of sexual exploitation,” and are therefore are excluded from the trafficking model proposed. Part (b) domestic law takes precedent over the UN’s protocol of whether an individual can be a victim of human trafficking as defined in part (a).

Doezma observes that the changes in victims’ agency was due to the competing feminist anti-trafficking NGOs’ interest groups.<sup>25</sup> Within feminist camps, sex worker rights created a split between those who saw prostitution as a freedom of agency and those who saw it as an act of violence against women. States, as well, did not want to label prostitution as “sexual exploitation” as it might infringe on an economic resource that benefited the state. In the end, the emphasis on the right to choose where one fell on the spectrum on the issue of prostitution kept the oppressive and objectifying language against sex workers’ rights out of the Palermo Protocol.

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<sup>23</sup> Ibid.

<sup>24</sup> Doezema, *Sex Slaves*, 29.

<sup>25</sup> Doezema, *Sex Slaves*, 27.

After producing “the most comprehensive, explicitly articulated international legal frameworks of human trafficking” the United Nations Office on Drugs and Crime (UNODC) and Palermo Protocol created a strategy to provide technical assistance and a multidisciplinary approach that would foster interagency development, legislative assistance, criminal justice, awareness, and victim support services.<sup>26</sup> The strategy was referred to as the Protocols Global Plan of Action. First, to *prevent* and combat trafficking in persons, in particular women and children; second, to *protect* and assist the victims of such trafficking, with full respect for their human rights; third, to *prosecute* trafficking of persons cases and uphold justice for its victims.<sup>27</sup> The “the three P” paradigm—prevention, protection, and prosecution—serves as a fundamental international framework to support governments combatting human trafficking. A “fourth P” —partnership—was added in 2009 by Secretary of State Hillary Clinton to “promote cooperation among States Parties and other stakeholders.”<sup>28</sup> Despite the addition of the fourth P, the three P paradigm is still predominantly the focus of states strategies for creating an anti-trafficking reform, as is the case in the United States.

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<sup>26</sup> Kalen Fredette, “Revisiting the UN Protocols on Human Trafficking: Striking Balances for More Effective Legislation,” *Cardozo Journal of International and Comparative Law* 17 (2009): 101-134, quoted in Ukri Soirila, “Trafficking in Human Beings and Foucauldian Biopower: A Case Study in the Expansion of the Human Rights Phenomenon” (Master’s Thesis, University of Helsinki, 2011), 4, <http://urn.fi/URN:NBN:fi-fe201112206101>.

<sup>27</sup> Thematic Programme, *Action Against Transnational Organized Crime and Illicit Trafficking including Drug Trafficking 2011-2013*, United Nations Office on Drugs and Crime, April 2011, 45, [http://www.unodc.org/documents/commissions/WG-GOVandFiN/Thematic\\_Programme\\_on\\_Organised\\_Crime\\_-\\_Final.pdf](http://www.unodc.org/documents/commissions/WG-GOVandFiN/Thematic_Programme_on_Organised_Crime_-_Final.pdf).

<sup>28</sup> Office to Monitor and Combat Trafficking in Persons, *Four “Ps”: Prevention, Protection, Prosecution, Partnership*, U.S Department of State, April 2011, <http://www.state.gov/j/tip/4p/>.

## **A-2. United States: Trafficking Victims Protection Act**

In 2000, simultaneous to the UN working on the Palermo Protocol, the United States Congress passed the Trafficking Victims Protections Act (TVPA).<sup>29</sup> Since then it has been reauthorized as the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003, the TVPRA of 2005, the William Wilberforce Trafficking Victim Reauthorization Act of 2008 and TVPRA of 2013 with an amendment for the Violence Against Women Reauthorization Act (VAWA).<sup>30</sup> TVPA is considered the most important tool to combatting human trafficking in the United States and utilizes the three Ps by deterring trafficking through increased penalization and prevention, while also providing restorative services and protection for victims of trafficking.<sup>31</sup> Although the approach to trafficking may resemble the Palermo Protocol, the language of human rights and definition of human trafficking became narrower in the hands of the U.S. Congress. The change in rhetoric occurred as the Bill Clinton administration was succeeded by the George W. Bush administration, and with it, the right wing Christian feminists' anti-prostitution abolitionism deprived sex-positivist feminists of a voice at the state level. TVPA's two-tiered definition addresses trafficking in person and sex trafficking as the follow.

(8) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term

“severe forms of trafficking in persons” means—

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<sup>29</sup> Jennifer A.L. Sheldon-Sherman, “The Missing ‘P’: Prosecution, Prevention, Protection, and *Partnership* in the Trafficking Victims Protection Act,” Penn State Law Review 117, no.443 (2012): 443-501, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2207760](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2207760).

<sup>30</sup> Laura DeMoss, “Addressing Human Trafficking in the United States: FN Comments for the Trafficking In Persons Report,” February 11, 2014, <http://freedomnetworkusa.org/addressing-human-trafficking-in-the-united-states-fn-comments-for-the-trafficking-in-persons-report/>.

<sup>31</sup> Sheldon-Sherman, “The Missing ‘P,’” 445.

(A) 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; or

(B) 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.

(9) SEX TRAFFICKING.—the term “sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.<sup>32</sup>

Unlike the UN’s definition, that says according to Article 3(b) of the Palermo Protocol, “consent of the victim is deemed irrelevant where any of the means found in the definition of trafficking (Article 3) have been used, which means, impliedly, that consent is relevant when none of those measure is used, thus recognizing the possibility of choice in trafficking and in prostitution” the TVPA fails to recognize the same power of consent.<sup>33</sup> The restrictive language hinges on how the United States defines coercion and commercial sex acts. Coercion is defined as “(a) threats of serious harm to or physical restraint against any person; (b) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or (c) the abuse or threatened abuse of the legal process.”<sup>34</sup> The implication of

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<sup>32</sup> *Victims of Trafficking and Violence Protection Act of 2000*, 2000 (Washington, D.C.: U.S. Government Printing Office, 2000), 22 U.S.C 7102.

<sup>33</sup> Ukri Soirila, “Trafficking in Human Beings and Foucauldian Biopower: A Case Study in the Expansion of the Human Rights Phenomenon” (Master’s Thesis, University of Helsinki, 2011), 4, <http://urn.fi/URN:NBN:fi-fe201112206101>.

<sup>34</sup> Ukri Soirila, “Trafficking in Human Beings,” 4.

coercion means a victim does not have to be “moved” by force or fraud from one place to another, but rather if they have been “coerced” into a commercial sex act they are victim of trafficking. Additionally, the United States defines “commercial sex acts” as “any sex on the account of which anything of value is given or received by any person.”<sup>35</sup> If adults choose to barter sexual acts in any form, they are victims of “sex trafficking,” as implied by the definition of trafficking in person. While the UN definition is cautious of recognizing voluntary prostitution and coercive trafficking in its many forms, the TVPA regulations have drawn a hard line at what is considered prostitution and sex trafficking and in doing so TVPA has made it easier to criminalize acts of trafficking and ostracize victims is does not find deserving.<sup>36</sup>

Criminalizing acts of trafficking is at the heart of TVPA’s “three pronged approach.”<sup>37</sup> Every couples of years TVPA increases laws and penalties for trafficking offenses going as far as penalizing anyone who may financially benefits from trafficking.<sup>38</sup> The does not just mean individuals and groups but also countries. The establishment of the Trafficking in Persons (TIP) report, published by the U.S. State Department, ranks countries in three tiers according to a countries efforts to combat human trafficking and can influence the amount of aid a country will receive from the United States based on ranking.<sup>39</sup> The human trafficking campaign allows the United States to use social reforms as leverage against other countries.

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<sup>35</sup> Ibid.

<sup>36</sup> Doezenia, *Sex Slaves*, 141.

<sup>37</sup> “Federal Laws.” Houston Rescue and Restore Coalition, accessed March 17, 2014, <http://www.houstonrr.org/human-trafficking/federal-state-laws/>.

<sup>38</sup> Ibid.

<sup>39</sup> Doezenia, *Sex Slaves*, 141.

TVPA is designed to balance the “three Ps” of prosecution, with prevention and protection. For that reason the act also established the Interagency Task Force to Monitor and Combat Trafficking, whose job it is to facilitate anti-trafficking dialogue and evaluate states’ trafficking laws and prosecutions, victim’s services and assistance, prevention and protection.<sup>40</sup> The law also created temporary legal status for the protection of international victims, T-Visas, that allows a victim up to “four years of non-immigrant status,” to stay in the country.<sup>41</sup> Over the course of reauthorization TVPA has made 595 million dollars available for anti-trafficking provisions.<sup>42</sup> TVPA has made these resources and assistance available to state to combat human trafficking. How the state of Texas utilizes the aid is another story.

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<sup>40</sup> *Victims of Trafficking and Violence Protection Act of 2000*.

<sup>41</sup> Sheldon, “The Missing ‘P,’” 456.

<sup>42</sup> “Federal and States Laws,” Houston Rescue and Restore Coalition, accessed December 4, 2013, <http://www.houstonrr.org/human-trafficking/federal-state-laws/>.

## B. State of Texas: Human Trafficking Legislation



Figure 1. Interstate 10 in Texas<sup>43</sup>

### B-1. Introduction to Texas' Human Trafficking

While limited data exists on the number of people trafficked, globally and domestically, there is no doubt that Texas is a crossroads for human trafficking. In 2013, Texas received 2,236 hotline calls to the National Human Trafficking Resource Center (NHTRC) spotting human trafficking activity. Making it the second highest in the United States.<sup>44</sup> The Department of Justice listed El Paso and Houston in the *Report on Activities to Combat Human Trafficking Fiscal Years 2001-2005*, as the “most intense trafficking

<sup>43</sup> “I-10 in Texas,” i10Highway.com, accessed April 22, 2014, <http://i10highway.com/images/interstate-10-texas-map.gif>.

<sup>44</sup> National Human Trafficking Resource Center (NHTRC), “2013 Statistical Overviews” (2013), *Polaris Project*, <http://www.polarisproject.org/resources/hotline-statistics>.

jurisdiction in the country.”<sup>45</sup> Texas’ exposure to the harms of human trafficking are exponentially amplified due to the fact that Texas borders the Gulf of Mexico and Mexico. Texas’ borders are key to bringing in the supply, but Texas citizens also cultivate the demand. Texas is a destination spot for major sporting events, now adding Formula One Racing in 2012 to its long list, along with the multitude of national conventions, conferences and summits held every year, all of which draw thousands of tourists eager to purchase sex. With the spotlight on Texas, the Texas legislature is working “tirelessly together on the issue” to reduce the threats of human trafficking.<sup>46</sup>

There are two actors presently navigating the legislative path in Texas when it comes to human trafficking. Coupled with federal efforts, Texas’ state and local law enforcement agencies criminalize sex trafficking and seek further legislative reforms that will continue to increase prosecution. The idea behind these approaches is that law enforcement personnel are the first to encounter human trafficking crimes and therefore they must have at their disposal the means to identify victims and prosecute perpetrators.<sup>47</sup> Additionally, there are the NGOs who advocate and provide victim services, though noticeably absent from the list of these NGOs are feminist groups (perhaps reflecting the dominance of conservative politics in the state). Together the two—law enforcement and NGOs—work on influencing and implementing legislative reform.

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<sup>45</sup> Texas Advisory Committee, *Human Trafficking in Texas*, 4.

<sup>46</sup> Office of the Attorney General, “New Legislation to Strengthen the State’s Fight against Human Trafficking,” *Attorney General of Texas*, February 13, 2013, <https://www.oag.state.tx.us/oagnews/release.php?id=4293>. [https://www.oag.state.tx.us/AG\\_Publications/pdfs/HT\\_CrimJust\\_GUIDE\\_2013.pdf](https://www.oag.state.tx.us/AG_Publications/pdfs/HT_CrimJust_GUIDE_2013.pdf).

<sup>47</sup> Robert David Sanborn, Dr. and Dawn Lew, “Fighting Human Trafficking in Texas,” *Texas Bar Journal*, 75, no. 10 (2012): 778-781, 779, [http://www.texasbar.com/AM/Template.cfm?Section=Texas\\_Bar\\_Journal&Template=/CM/ContentDisplay.cfm&ContentID=20269](http://www.texasbar.com/AM/Template.cfm?Section=Texas_Bar_Journal&Template=/CM/ContentDisplay.cfm&ContentID=20269).



## **B-2. The Task Force and NGOs**

It is the Texas legislative leaders who are in charge of setting the direction and pace of policies to fight against trafficking. To understand why the legislature prioritized prosecution over prevention, and protection, it is helpful to examine the individuals and coalitions that created the recommendations that made their way into law that seek to address the gaps and challenges of human trafficking in Texas. The legislation is after all a “combination of all the recommendations from the Texas Human Trafficking Prevention Task Force,” led by the Office of the Attorney General (OAG).<sup>48</sup>

The purpose of the Texas Human Trafficking Prevention Task Force is to raise awareness about human trafficking, advocate for victims needs and expand law enforcements ability to prosecute. The first OAG conducted report was created by a workgroup that consisted of the OAG, the Health and Human Services Commission (HHSC); Refugee Services of Texas, Inc., Austin, the Central Texas Coalition Against Human Trafficking, the U.S. Department of Justice and the University of Texas, School of Social Work, Institute on Domestic Violence and Sexual Assault.<sup>49</sup> After the official Texas Human Trafficking Prevention Task Force was appointed under the HB 4009 under Sec. 402.035 of the Texas Government Code in 2009, the attorney generals appointed the forty-

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<sup>48</sup> Office of the Attorney General’s, “New Legislation.”

<sup>49</sup> The Texas Human Trafficking Prevention Task Force, *The Texas Human Trafficking Prevention Task Force Report 2011*, 65.

seven board members from state and local law enforcements agencies and organizations providing services for human trafficking victims.<sup>50</sup>

The 2011 and 2012, Texas Human Trafficking Prevention Task Force reports included on its board: the attorney general; the governor; the HHCS; the Department of Family and Protective Services; the Department of Public Safety; the Workforce Commission; the Department of Criminal Justice; the Youth Commission; the Juvenile Probation Commission; the Alcoholic Beverage Commission; local law enforcement; and several members statutorily prescribed i.e. victims service providers and organizations.<sup>51</sup> (See Appendix for full member list.)

<b>Table 3. NGOs on Task Force</b>	
<b>The Texas Human Trafficking Prevention Task Force Report 2011 to the Texas Legislature January 2011</b>	<b>The Texas Human Trafficking Prevention Task Force Report 2012 to the Texas Legislature December 2012</b>
<ul style="list-style-type: none"> <li>• Mosaic Family Services</li> <li>• Texas Association Against Sexual Assault</li> <li>• Texas Rio Grande Legal Aid</li> <li>• Children at Risk</li> <li>• Salvation Army</li> <li>• Catholic Charities</li> <li>• Refuges Services of Texas</li> <li>• YMCA International (Houston)</li> <li>• Houston Rescue and Restore Coalition</li> <li>• Children's Advocacy Centers of Texas<sup>52</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Mosaic Family Services</li> <li>• Texas Association against Sexual Assault</li> <li>• Texas Rio Grande Legal Aid</li> <li>• Children at Risk</li> <li>• Catholic Charities</li> <li>• Refuges Services of Texas</li> <li>• YMCA International (Houston)</li> <li>• Houston Rescue and Restore Coalition</li> <li>• Children's Advocacy Centers of Texas<sup>53</sup></li> </ul> <p>(See Appendix for full member list)</p>

<sup>50</sup> The Texas Human Trafficking Prevention Task Force, *The Texas Human Trafficking Prevention Task Force Report 2012*, Intro.

<sup>51</sup> Office of the Attorney General, "Attorney General Convenes."

<sup>52</sup> The Texas Human, *The Texas Human Trafficking Prevention Task Force Report 2011*, 65.

<sup>53</sup> The Texas Human, *The Texas Human Trafficking Prevention Task Force Report 2012*.

Of the forty-seven members appointed to a board in 2011 only ten represented NGOs and in 2012 that number fell to only nine. Meaning around eighty percent of the taskforce is controlled by law enforcement agencies. The NGOs that did make it to the table were a group of organizations that have been working in the human trafficking field for over a decade and were well informed and considered the experts in the field. One of these experts is Bill Bernstein, Deputy Director of Mosaic Family Services. He noted in an interview that the harsher and harsher penalties combined with more law enforcement training and the notion that going after the perpetrator is a victim-centered approach by trying to eliminate the crime is not really victim-centered at all. He suggested that a truly victim-centered approach requires a different perspective than being law-enforcement centered.<sup>54</sup>

The over-representation of law enforcement on the taskforce produced recommendations that emphasized the goals of prosecution over other aims, such as preventing human trafficking, protecting victims, or creating multi-valiant partnerships between law enforcement and service providers. Bernstein was optimistic that the OAG is aware of the barriers and what's happening in the field, but they are constrained by current legislation.<sup>55</sup> Texas legislation leans more towards statutory changes in favor of criminalization and prosecutions than victim's services as outlined by legislative statutes that have been implemented in the past four years (refer to Table 2). By examining the legislative work and ideology on how the state identifies the problem of human trafficking and addresses it, it seems the law-enforcement centered approach, combined with the states

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<sup>54</sup> Bill Bernstein, interview by Rachel Hughey, February 13, 2014.

<sup>55</sup> Bill Bernstein, interview by Rachel Hughey, February 13, 2014.

refusal to dedicate resources to victims and victim providers, leads to a disconnect between law enforcement agencies and NGOs ability to be “partners.”<sup>56</sup>

### **B-3. The Texas Response to Human Trafficking**

In 2003, Texas and Washington became the first states to create a law that criminalized human trafficking at the state level that defined “forced labor or services and traffic-[king] as crimes, and created felony offenses for persons who knowingly trafficked a person with the intent to force them to perform labor or services.”<sup>57</sup> Over the past few years Texas has continued to increase its fighting power to combat human trafficking by making it easier to prosecute trafficking criminals, aid law enforcements agencies in fighting human trafficking, and helping to identify and offer services to victims. However, it was not until after the 80th Legislature in 2007 that policy makers requested a detailed review of human trafficking in Texas be prepared by the OAG. In 2008, the OAG’s 57- page human trafficking report, “The Texas Response to Human Trafficking,” was submitted for review at the 81st Texas Legislature. The OAG *workgroup* recommended they “focus on enforcement activity undertaken by the five Bureau of Justice Assistance task forces in Texas” and “third party research entity” the University Of Texas School Of Social Work’s Institute on Domestic Violence and Sexual Assault to create a separate report for data collection and analysis.<sup>58</sup> Overall the findings included twenty-one recommendations to the legislature and found there were several

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<sup>56</sup> Texas Advisory Committee, *Human Trafficking in Texas*.

<sup>57</sup> The Office of the Attorney General, *The Texas Response to Human Trafficking: Report to the 81st Legislature*, 2008, [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), see also, Texas Attorney General Greg Abbott, “Texas Law Enforcement Response to Human Trafficking,” February, 2013, <https://www.texasattorneygeneral.gov/agency/weeklyag/2013/0213humantrafficking.pdf>.

<sup>58</sup> Office of the Attorney General, *The Texas Response to Human Trafficking*, 15.

forms of human trafficking that ranged from sex to labor trafficking with victims that were both domestic and international in Texas.

In 2009, the 81st Texas Legislature passed House Bill 4009 sponsored by Democrat Senator Leticia Van de Putte and Republican Representative Randy Weber. The HB 4009 established a statewide Human Trafficking Prevention Task Force run by the OAG.<sup>59</sup> Since the OAG had been so successful in creating the initial human trafficking report, HB 4009 also stipulated the newly appointed task force to submit an inaugural report to the Texas legislature for the next four legislative consecutive years.<sup>60</sup> The report's intended goal was to highlight how law enforcements and victim services organizations are faring and the challenges they face. This formed the first time a group of state agencies, law enforcement groups, trade associations, victim's services, and appointed members came together in a single entity with the purpose of addressing human trafficking in Texas.<sup>61</sup>

House Bill 4009 also created a mandatory human trafficking training for all newly-commissioned peace officers and veterans that is approved by the Texas Commission on Law Enforcement Standards and Education (TCLEOSE).<sup>62</sup> The House Bill 4009 also authorized an account under the Government Code section 772.006 to form the Governor's Criminal Justice Division to provide grants for up to 10 million dollars per year for NGOs and counties to use for human trafficking victims ( to date it

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<sup>59</sup> Office of the Attorney General, "Attorney General Convenes Human Trafficking Prevention Task Force," *Attorney General of Texas*, January 21, 2010, <https://www.oag.state.tx.us/oagnews/release.php?id=3202>.

<sup>60</sup> Ibid.

<sup>61</sup> Sanborn, "Fighting Human Trafficking in Texas," 779.

<sup>62</sup> The Texas Human Trafficking Prevention Task Force, *The Texas Human Trafficking Prevention Task Force Report 2012*, Office of the Attorney General, December, 2012, Intro, [https://www.oag.state.tx.us/AG\\_Publications/pdfs/20121912\\_htr\\_fin\\_3.pdf](https://www.oag.state.tx.us/AG_Publications/pdfs/20121912_htr_fin_3.pdf).

has yet to be created).<sup>63</sup> The Texas Legislature hoped that through the collaborative efforts of the Task Force and increased human trafficking trainings available to law enforcements agencies, Texas would create anti-trafficking initiatives that increase victims' services and protection.

Table 1. A Summary of the 2008 OAG's Human Trafficking Report
<ul style="list-style-type: none"> <li>• <b>Identify Prevention Strategies</b>—reduce risk factors, increase training, and outreach, identify additional deterrents</li> <li>• <b>Increase Victim Identifications and Offender prosecution</b>—increase prosecution of traffickers, improve collaborations and response area, create a network of services and a centralized repository for information</li> <li>• <b>Provide protection for adult human trafficking victims</b>—find funding for victims services</li> <li>• <b>Provide protection for child human trafficking victims</b>—develop comprehensives services for victims and enhance penalties for criminals</li> <li>• <b>Improve awareness and educations to increase detection</b></li> <li>• <b>Improve data collection</b></li> <li>• <b>Develop more intelligence sharing among law enforcement agencies.</b></li> </ul> <p>Texas Advisory Committee to the U.S Commission on Civil Rights<sup>64</sup></p>

<sup>63</sup> The Texas Human Trafficking Prevention Task Force, *The Texas Human Trafficking Prevention Task Force Report 2011*, Office of the Attorney General, January, 2011, 55, [https://www.oag.state.tx.us/ag\\_publications/pdfs/human\\_trafficking.pdf](https://www.oag.state.tx.us/ag_publications/pdfs/human_trafficking.pdf).

<sup>64</sup> Texas Advisory Committee, *Human Trafficking in Texas*.

#### **B-4. The Texas Human Trafficking Prevention Task Force Report 2011**

In 2011, the 82nd Legislature used the first OAG Human Trafficking Prevention Task Force Report recommendations to create new human trafficking bills. Of the 35 legislative recommendations they proposed, 32 were enacted by the Legislature.<sup>65</sup> These new laws were encompassed under the Senate Bill 24 and House Bill 2014, sponsored by Democratic Sen. Leticia Van de Putte and Democratic Rep. Senfornie Thompson.<sup>66</sup>

**Senate Bill 24** – expands the definition of the offense of trafficking in the Penal Code to specifically address child trafficking and implements enhanced penalties when a child victim is involved; also adds language pertaining to prostitution; promotion of prostitution; and compelling prostitution.

Eliminates the statute of limitations to bring a felony indictment for trafficking of persons or compelling prostitution when a child victim is involved, and extends the statute of limitations for adult victims to ten years. Lowers the prosecutorial burden for defendants of child trafficking or compelling prostitution by admittance of evidence of extraneous offenses. Prohibits eligibility for community supervision for persons convicted of human trafficking or compelling prostitution. Extends the civil statute of limitations for personal injury to 5 years (previously 2 years) for victims of trafficking and compelling prostitution. Requires involuntary termination of

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<sup>65</sup> The Texas Human Trafficking Prevention Task Force, *The Texas Human Trafficking Prevention Task Force Report 2011*.

<sup>66</sup> Office of the Attorney General, “Attorney General Abbott Supports Signing of Human Trafficking Prevention Legislation,” *Attorney General of Texas*, May 25, 2011, <https://www.oag.state.tx.us/oagnews/release.php?id=3737>.

parental rights for parents who have been convicted or placed on community supervision for harming a child as a result of a trafficking or compelling prostitution offense.<sup>67</sup>

**House Bill 2014** Addresses Texas Alcoholic Beverage Commission (TABC) procedures – must refuse reissuance of license for one year if license previously cancelled in prior year for prostitution or trafficking. Denial of bail for violation of condition of bond if offense committed is against a child younger than 14 years of age (trafficking or prostitution). Mandatory restitution for child victims of prostitution or compelling prostitution under age 18 – court ordered in the amount necessary for rehabilitation. Includes property used in the commission of HT to be included on the list of contraband that can be forfeited. Requires defendants of trafficking and compelling prostitution to be included in the computerized criminal history system. Increases penalty to third degree felony for Johns if child solicited 14 or older but younger than 18.<sup>68</sup>

Legislation focused on improving the legal framework of human trafficking, by increasing penalties upon convictions, providing more safe guards for domestic minor trafficking victims with the SB 24, going after business that serve alcohol in the HB 2014. The legislature believed this would provide the “crucial tool” for law enforcement to help Texas remain a “hostile territory for human traffickers.”<sup>69</sup>

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<sup>67</sup> “Federal and States Laws,” Houston Rescue and Restore Coalition.

<sup>68</sup> Ibid.

<sup>69</sup> Office of the Attorney General, “Attorney General Abbott Supports Signing.”



## **B-5. The Texas Human Trafficking Prevention Task Force Report 2012**

In 2012, the OAG submitted its second Human Trafficking Prevention Task Force Report to the 83rd legislative session. This time the report focused on the lack of funding and refining the numerous human trafficking laws that had been made during the previous 82nd legislation. The report also highlighted the need for more victim service providers and its plans on developing a guideline for adult and minor victim service providers. In response, the legislature created a new Senate Bill 532 and House Bill 8, sponsored again by Sen. Van de Putte and Rep. Thompson. The bill “extends the criminal statute of limitations for offenses involving compelling prostitution of a minor” and addressed the topic of financial aid for victims.<sup>70</sup> It put into writing that trafficking survivors and survivors of trafficking-related offenses were eligible to receive reimbursement for having to relocate under the Crime Victims Compensation Act and could enroll in a Confidentiality Program, which was intended to protect victims’ identity.<sup>71</sup>

Over the past four years, the Texas legislature has created several Senate and House bills aimed at fighting human trafficking. Most of Texas’ human trafficking legislation has given law enforcement agencies more power and training against human trafficking, while increasing penalties highlighted in table two, against business with liquor licenses and those engaged in any form of child trafficking. Sen. Van de Putte said that in 2011 “Texas got tough on human traffickers” and in 2013 it showed “compassion towards victims.”<sup>72</sup>

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<sup>70</sup> Texas Advisory Committee, *Human Trafficking in Texas*.

<sup>71</sup> Ibid.

<sup>72</sup> Office of the Attorney General, “New Legislation.”

<b>Table 2. Summary of Statutes Passed under Task Force Recommendations</b>			
<b>Overview of Texas Legislation</b>	<b>Legislation</b>	<b>Statutes passed</b>	<b>Key Parts of the Laws</b>
<b>The Texas Response 2008</b>	81st Legislature	HB 4009	<p>Victim assistance programs for domestic victims, the creation of grants for victims and NGO's, services database, victim identification, legal services</p> <p>Statewide human trafficking task force for data collection and reports</p> <p>Compelling Prostitution statute to same as Human Trafficking statute - Raises the age of a minor from 17 to 18</p> <p>Committee for children engaging in prostitution for alternatives to juvenile justice system</p> <p>Mandated training of law enforcements officers</p> <p>Does not matter whether a trafficker knows if a victim is a minor or not<sup>73</sup></p>
<b>The Texas 2011-2012</b>	82nd Legislature	SB 24 HB 2014	<p>Enhance penalties for when a child victim is involved</p> <p>Adding language about prostitution, promotion of prostitution, and compelling prostitution</p> <p>No limit of statutes for human trafficking crimes for child victims</p> <p>Extended statutes of 5 years limitation for adult victims</p> <p>life imprisonment for child traffickers</p> <p>TABC license revoked for a year if trafficking or prostitution committed</p> <p>Defendant of trafficking and compelling prostitution put in a computerized criminal history system</p> <p>Increased penalties –i.e. “Continuous Trafficking of Persons”<sup>74</sup></p>
<b>The Texas 2012-2013</b>	83rd Legislation	SB 532 HB 8	<p>Extends the criminal statute of limitations for offenses involving compelling prostitution of a minor.</p> <p>Makes trafficking survivors eligible to receive reimbursement for relocation expenses under the Crime Victims' Compensation Act.</p> <p>Includes survivors of human trafficking-related offenses as eligible participants in the Address Confidentiality Program.</p> <p>Resolves some conflicting statutes related to human trafficking.<sup>75</sup></p>

<sup>73</sup> “Federal and States Laws,” Houston Rescue and Restore Coalition.

<sup>74</sup> Ibid.

<sup>75</sup> Office of the Attorney General's, “New Legislation.”

## **B-6. Gaps and Challenges**

While it has been stressed by the Task Force in every report the need for more aid to victims and victims' service providers, the state evidence of this was the creation of an account to make funds available for compensation towards trafficking survivors during the 81st Legislature. Though, the 83rd Legislature boasted that it would focus on providing assistance to victims and service providers, it only offered compensations and aid that was already offered by the federal government. In short, there were no new budget items or allocations made for victims or service providers.

When dealing with human trafficking in the state of Texas, the legislature prioritizes prosecution over prevention and protection, while offering only weak verbal acknowledgement to the importance of victims' needs and partnership. That discrepancy between what victims and victims' service providers receive, compared to the increased bills aimed at strengthening law enforcement agencies to regulate prostitution and establishments that serve liquor results in gaps in identifying victims and victims' services. Tahirih Justice Center, a non-profit organization whose mission it is to protect immigrant women and girls, include permanent residents, T-Visas holders and refugees, by providing legal and social services found the "lack of adequate funding, lack of adequate resources, lack of formal rules/regulations" to be its biggest challenge in Texas.<sup>76</sup>

The most challenging gap NGOs consider to still be a work in progress is the relationship between law enforcement and victims. Law enforcements agencies are crucial in fighting human trafficking because most of the strategies for an anti-trafficking campaign involve more laws that increase their power. If the state backs law enforcement,

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<sup>76</sup> Tahirih Justice Center, Texas Human Trafficking Legislation Questionnaire, by Rachel Hughey, February 17, 2014.

then NGOs need a healthy relationship with them to be successful in protecting victims and providing services depend heavily on the law enforcements finding the victims and correctly implementing the new bills. YMCA International Services, one of two NGOs in Texas to receive an Office for Victims of Crime Enhanced Collaborative Model Grant to Combat Human Trafficking, described it as a safety concern because “victims would not allow law enforcement to accompany them, when potential victims needs rescuing in the middle of the night and they refuse to allow law enforcement to accompany a case worker.”<sup>77</sup> Tahirih Justice Center said that it was the “lack of training on behalf of officers interviewing survivors of trafficking to decide Continued Presence” which results in a victim acquiring or being denied a T-Visa. For many it boiled down to law enforcements ability to uncover international victims’ cases. The reason being, no incentive. The reality is uncovering cases involving foreign-born victims require a lot of investigative work. There is just not enough “impetus to devote the time and work required to uncover[ing] the cases, were as, the vice unit of every police department that is out on the streets every night” coming across domestic minors.<sup>78</sup> It is easy for the legislature to create more laws aimed at identifying domestic minor as victims of trafficking that work on the streets, because it is easy for law enforcement to identify and prosecute this cases.

For example, one of the first cases in the Texas involved women from Honduras working in a Cantinas in Fort Worth that was uncovered by a vice unit of the Fort Worth Police Department. It took over a year to get federal authorities to pay attention, and finally authorize a raid and prosecute the case. The lead prosecutor for the U.S Attorney General’s

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<sup>77</sup> YMCA International, Texas Human Trafficking Legislation Questionnaires, by Rachel Hughey, March 6, 2013.

<sup>78</sup> Bill Bernstein, interview by Rachel Hughey, February 13, 2014.

Office mentioned that in the future people would not go after cases like this because it took up to much time and produced inconclusive results. Bill Bernstein of Texas Mosaic Family Services, the second NGO to receive a federal grant from the OVC in Texas, told this story to emphasize how the consensus of law enforcement agencies was that there was very little motivation to uncover international human trafficking cases that required vast amounts of time for investigative work and would mean pulling detectives off other cases.<sup>79</sup> For law enforcement their job does not depend on rescuing a person being trafficked. Instead, they have a “quota” to meet and spending a year on one case without an ensured prosecution is risky.<sup>80</sup> For more outspoken activists, such as Dottie Laster of Laster Global Consulting, there is “no motivation or money to be made in it, plain and simple.”<sup>81</sup>

The challenges human trafficking victims faces are many. Commonly they experience the obstacles of language barriers, culture barriers, and lack of resources; but the biggest challenge is still step one, and that is law enforcement locating victims. This is problematic for many reasons. Lack of time and resource to locate victims, but also victims fear law enforcement due to “retribution from the trafficker, distrust of law enforcement, or fear of deportation”.<sup>82</sup> The challenges reveal the need for law enforcements to change their approach to human trafficking. NGO’s are currently creating and presenting law enforcement trainings that are verified by the TCLEOSE. The HRRC and task force member, Trujillo, noted that NGOs focus on the victims and teaching law enforcements agencies to “treat them with dignity and respect” because the interaction they have with

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<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Dottie Laster, interview by Rachel Hughey, March 15, 2014.

<sup>82</sup> Amy Farrel, “Environmental and Institutional Influences on Police Agency Responses to Human Trafficking,” *Police Quarterly*, July 23, 2013, <http://pqx.sagepub.com/>.

law enforcement agencies can make or break an investigation.<sup>83</sup> However, many law enforcement agencies prefer to stay in-house when it comes to training. Laster Global Consulting, is certified to offer training to police departments but has only had “two to three requests” since 2009 to train at law enforcement agencies. The training law enforcement agencies prepare is considered to be dry and a lot of things are “not necessary for law enforcement to know.”<sup>84</sup>

While state legislatures are quick to make new human trafficking legislation that increase criminalization, it is critical that law enforcement promote the identification of cases and receive adequate training. This can only happen if law enforcement innovate and incorporate the knowledge of NGOs that have been working with victims for the last fourteen years in Texas. NGOs in Texas can benefit from having a relationship with law enforcement because police are the first to encounter the crime of human trafficking and identifying victims. Law enforcement agencies have been reluctant to create a partnership because overall there is a lack of incentive to go after a human trafficking cases. Bernstein says this is due to the challenge that arises from NGOs asking law enforcement to “shift their whole paradigm and their whole training.”<sup>85</sup> Law enforcement’s style of suspicion and interrogation make it difficult for them not to treat victims as perpetrators. If law enforcement doesn’t want to change their approach then they will not see eye to eye with NGO’s; whose sole purpose is to view victims as just that, victims. At the end of the day though NGOs relationship with law enforcement agencies are “constrained by legislation.”<sup>86</sup>

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<sup>83</sup> Maria A. Trujillo, interview by Rachel Hughey, March 11, 2014.

<sup>84</sup> Maria A. Trujillo, interview by Rachel Hughey, March 11, 2014.

<sup>85</sup> Bill Bernstein, interview by Rachel Hughey, February 13, 2014.

<sup>86</sup> Bill Bernstein, interview by Rachel Hughey, February 13, 2014.

## **II. High Modernism**

### **A. An Ideological Criticism of Texas' Human Trafficking Legislation**

The delicate relationship that exists between law enforcements and NGOs, whose aim it is to protect the victims of human trafficking, has been created in the wake of the state trying to balance the goals of prosecution, prevention, and protection in Texas. Policymakers, NGOs, and scholars tend to focus on addressing and evaluating government policies in the basis of whether they are more prosecutorial-centered or victim-centered. Instead, this second portion takes a step back and analyzes the State of Texas' approach through its Human Trafficking Prevention Task Force and legislative bills in section one, and looks<sup>6</sup> at the grand design of the infrastructure for inefficiencies in the building blocks under which the polices are created to offer greater insight into what, exactly, has made it difficult for law enforcement agencies and NGOs to work in the confines of state prescriptions.

Legislation over the last ten years in Texas has been host to several influences on policy from the international to the state level. The increased bureaucratization of human rights has led to increased penalties, the dominance of law enforcements agencies, while excluding victims' and victims' service providers. If the states central planners' goals were to be victim-centered, then why would the consequence of their actions come at the expense of the victim? To answer that question, one must examine what the state's objectives are and if they in line with protecting the victims of trafficking or sees victims as a vehicle to underlying goal to exacting more control. By taking this approach the state's primary goal is not affected by whether or not it chooses to use a victim-centered approach or a prosecutorial-centered approach, either would be a satisfactory mean to the same end.

James Scott proposes that every state's goal is "a monopoly on the legitimate use of force" and that state consists of three elements with this objective in mind.<sup>87</sup> First the "aspiration to the administrative ordering of nature and order," second the "unrestrained use of power of the modern state as an instrument for achieving these designs," and third is a "weakened or prostrate civil society that lacks the capacity to resist these plans."<sup>88</sup> The ability for a state to impose these elements on a society is what Scott refers to as "high modernism."

*High modernism* is thus a particularly sweeping vision of how the benefits of technical and scientific progress might be applied—usually through the state—in every field of human activity. If, as we have seen, the simplified, utilitarian descriptions of state officials had a tendency, through the exercise of state power, to bring the fact into line with their representations, then one might say that the high modernism state began with extensive prescriptions for a new society; and intended to impose them.<sup>89</sup>

By examining these three elements in relation to Texas's human trafficking legislation, the high modernism of human trafficking reform affords the state the ability to concentrate the current human trafficking narrative in Texas and with the aid of an "incapacitated civil society" through the use of a task force that serves as a dampening

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<sup>87</sup> Scott, *Seeing Like a State*, 87.

<sup>88</sup> *Ibid.*, 88.

<sup>89</sup> *Ibid.*, 90.



effect on the NGOs that represent civil society at its most robust.<sup>90</sup> A state's use of legibility and control is to make the victims of human trafficking a conduit through which the state can enforce more restrictions, using practices and discourse that inadvertently alienate a victim and victim-service providers for the benefit of creating more mechanisms for state organization and control.

While the state may have paved the road with good intentions by implementing its hard-drawn lines of prosecution and enforced morality, it is actually for the benefit of central planners' legibility—the first component of a state's goal to monopolize power. Legibility is defined by James Scott as “a viewer whose place is central and whose vision is synoptic.”<sup>91</sup> To conceptualize the notion of legibility, Scott uses beekeeping and honey production as an analogy. Scott explains how harvesting the honey damaged the cells and destroyed the bee's colony because the “brood chambers and honey cells followed complex patterns that varied hive to hive.”<sup>92</sup> Beekeepers rearranged the cells into “neatly vertical, frames, nine or ten to a box,” as seen today and blocked off the queen from laying eggs near the honey supply.<sup>93</sup> From the beekeeper's point of view the hives are now manageable and orderly, and most importantly “legible,” meaning it can be inspected and controlled.<sup>94</sup> Legibility is designed by those who are afforded the authority to examine the inner workings of a social systems and can then implement strategies that increase the simplification by “bring[ing] the facts into line with their representation.”<sup>95</sup>

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<sup>90</sup> Ibid., 89.

<sup>91</sup> Ibid., 79.

<sup>92</sup> Ibid., 2.

<sup>93</sup> Scott, *Seeing like a State*, 3.

<sup>94</sup> Scott, *Seeing like a State*, 3.

<sup>95</sup> Ibid., 88.

Texas legislation took the complex issue of human trafficking and its components of law enforcement agencies and NGOs (chosen experts in the field) and neatly funneled the discourse into one cohesive voice to relay information to the legislature and the general public. By mandating the task force prepare a report for four legislative consecutive years and to help the state “develop policies and procedures that will facilitate human trafficking prosecutions.”<sup>96</sup> It has taken out a contract on controlling the Texas’ human trafficking conversation for up to ten years. The task force itself is representational administration of a state being victim-centered, while it maneuvers itself as the official observer and legitimate organ for command and control.

The task force helps Texas in executing the federal TVPA’s goals, “to prevent human trafficking abroad, protect victims and help them rebuild their lives in the U.S with federal and state support, and prosecute traffickers of persons with harsh federal penalties.”<sup>97</sup> In this regard the help the task force offers is merely a wherewithal for the state to use the task force interpretation of TVPA as a mandate for the Texas legislature to increase laws. The unrestricted power of the Texas legislation has increased the authority and resources of law enforcement agencies while ensuring that a concomitant increase in victims’ services has not happened. Yet, very little resistance to this strange allocation of resources has occurred. Scott explains these changes are due to the inability a society has to resist state policies. Furthermore, Michel Foucault, author of *Discipline and Punish: The Birth of the Prison*, suggests that inability lies in the docile bodies that are intentionally created by the states use of discipline and control that is enacted on individuals without

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<sup>96</sup> Office of the Attorney General, “Attorney General Convenes.”

<sup>97</sup> Office of the Attorney General, *The Texas Response to Human Trafficking*, 4.

their knowledge and contributes to the pacification of advocacy for increased victim services.<sup>98</sup>

An analysis of Foucault's ideas of state power and discipline demonstrates how a high modernism state controlled by central planners can inadvertently create inefficiencies in the service provider's ability to advocate without meaning to or even noticing. The nature of discipline requires the docility of individuals as a way of controlling organizations.<sup>99</sup> Foucault notes, "monasteries, the military, hospitals, schools, factories and many other institutional reforms" constructed a fixed time and space to create a power relation between the individual and the institution.<sup>100</sup> In 2009, Texas' establishment of a task force utilized what Foucault's would call the "art of distributions" by employing a number of disciplinary techniques.<sup>101</sup> Foucault explains that discipline first requires enclosure in a protected place, and the confinement of a group allows for the state to assemble people under one roof to observe and inspect. Scott is building on Foucault's. Second, the state organizes an analytical space and time; this allows the state the ability to "set up useful communications, to interrupt others, to be able at each moment to supervise the conduct of each individual, to assess it, to judge it."<sup>102</sup> The two techniques allow the state to be part of the conversation and omniscient at the same time. For Foucault, the chief function of disciplinary power is observation and training.<sup>103</sup> If an individual knows that he or she is being watched and examined they will eventually become unconsciously cautious that they will not realize when they have become an effect and object of state

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<sup>98</sup> Foucault, *Discipline and Punish*, 135.

<sup>99</sup> Foucault, *Discipline and Punish*, 138.

<sup>100</sup> Ibid., 131.

<sup>101</sup> Ibid., 141.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid., 170.

power. When an individual or organization has reached this point, due to “the means of correct training,” a normalization in behavior occurs making a group homogenous. In the case of human trafficking policy in Texas, the task force affiliates no longer differentiate between the goals of the state and their own, making them docile bodies. Therefore they cannot be objective when the design is to “render visible those who are inside it” and concentrate the conversation while substituting for an actual partnership between different organizations.<sup>104</sup>

## **B. The Implication of High Modernism on NGOs**

Scott’s and Foucault’s work on a state’s ability to impact social reforms and behaviors through central planning offer insight to the root of the inadequacies in the relationship between NGOs and law enforcement agencies. Texas’ Human Trafficking Prevention Task Force, is in charge of spearheading TVPA’s goals and creating a dialogue between victim service providers and law enforcement agencies that are controlled by the state. The task force, however, has just become another tool for the state to watch over individuals and concentrate the conversation. This paradigm is what creates the delicate collaboration between law enforcement agencies and NGOs who advocate and work with victims.

When asked, NGOs stated they had a positive relationship with state. Children at Risk wrote, “we are in constant communication with these folks in regards to what laws are needed to be in place to better serve victims and enhance penalties. We discuss what

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<sup>104</sup> Ibid.

works, where and what are the obstacles, as well as finances.”<sup>105</sup> YMCA International believed that “Texas has increasingly adopted a legislation that is victim centered even though that language is not specifically used.”<sup>106</sup> Even though the state continues to create laws, that does not offer additional funding, and has yet is defined as being victim-centered by the OAG and legislatures. NGOs working with the state appear to be in harmony, as Scott and Foucault predicated would be the case due to the normalization. But not everyone feels this way. Laster, a former grant writer and task force attendee, said “time was better spent elsewhere” explaining that there was no “institutional memory” therefore nothing ever was accomplished at state.<sup>107</sup> To note, Laster no longer works with one of the head NGO’s on the Task Force or attends to task force meetings momentarily.

The state mandated task force have resulted in an increase in law enforcement awareness, notes Bernstein.<sup>108</sup> Law enforcement is further assisted in doing exactly what they have done in the past. The only difference is now when they round up domestic prostitutes it is considered combatting human trafficking. Law enforcement agencies continue to feel vindicated and unmotivated to go beyond the narrow scope of state recommendations. NGOs understand that that the issue of human trafficking in Texas is much more complex than domestic female minor sex trafficking, but overall believe that working in the confines of state prescription is the best way to effect change. However, what they end up not realizing is that they, along with law enforcement, have allowed the

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<sup>105</sup> Children at Risk, Texas Human Trafficking Legislation Questionnaires, by Rachel Hughey, March 13, 2013.

<sup>106</sup> YMCA International, Texas Human Trafficking Legislation Questionnaires.

<sup>107</sup> Dottie Laster.

<sup>108</sup> Bill Bernstein, interview by Rachel Hughey, February 13, 2014.

state to make them inefficient partners. In its place, a pseudo-partnership disrupts the conversation and trust between law enforcement agencies and NGOs.

This juxtaposition between NGOs and their feeling towards the state and law enforcement agencies has started to cause a fragmentation in the human trafficking movement.<sup>109</sup> The state has disrupted the discourse of human trafficking in many forms and replaced it with increased criminalization focused on domestic minor sex trafficking. The gaps created due to the one sided conversation mean some NGOs are purposely excluding themselves from the state discourse and are venturing out on their own to cover the fissures caused by the Texas' human trafficking legislation. The break further dilutes the human trafficking campaign, fragments senior NGOs, and creates a new outer circle of non-profits exhibiting growing interest in human trafficking. Trujillo discussed the “missed opportunities” new organizations are losing out by not reaching out to organizations that have been working on human trafficking in Texas for the past decade.<sup>110</sup> Trujillo urges the fragments within the movement to come together and start developing a “more strategic collaborative and comprehensive approach” to the issue of human trafficking by asking what it means to combat human trafficking in Texas.<sup>111</sup>

The issue of human trafficking has permitted the state legislation to make more laws. It has permitted a small slice of the NGO community to advocate for victims and voice concerns, and increased training for law enforcement agencies. It has also allowed for the shortcomings of the task force and state legislation that has resulted in fragmented NGOs, victims falling through the cracks, delicate collaborations between NGO's and law

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<sup>109</sup> Maria A. Trujillo, interview by Rachel Hughey, March 11, 2014.

<sup>110</sup> Maria A. Trujillo, interview by Rachel Hughey, March 11, 2014.

<sup>111</sup> Ibid.

enforcement agencies, and insufficient prosecutions.<sup>112</sup> This is due to the narrow scope the state has provided when it comes to dealing with such a complex issue as human trafficking. The state hopes to create nice perfect box, in which to put human trafficking and all its coconspirators in and have them work on a solution under the watchful eye of the state. The over simplification and planning lets the state control who is in the box, what they are allowed to talk about, and has the final say in the transition process between victims needs and what the state is willing to provide.

## Conclusion

We all want progress. But progress means getting nearer to the place where you want to be. And if you have taken a wrong turning, then to go forward does not get you any nearer. If you are on the wrong road, progress means doing an about-turn and walking back to the right road; and in that case the man who turns back soonest is the most progressive man.

—C.S. Lewis, *Mere Christianity*<sup>113</sup>

Texas faces an increased threat as a human trafficking hotspot due to its location and economic opportunities; therefore is under immense pressure to utilize the services provided by TVPA. Texas' central planners in the legislature are increasing laws rather than increasing aid and services for victims. Consequently, the "victim-centered approach" that underscores TVPA's anti-human trafficking campaign becomes secondary to criminal prosecution in Texas. The Texas's human trafficking legislation is not however, a result of single influence. Rather multiple influences, including the Task Force, shape Texas's policy and result in Texas adopting a shortsighted vision of prosecution, as it fails to

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<sup>112</sup> The Colorado Project to Comprehensively Combat Human Trafficking, "The Project," April 22, 2014, <http://lcht.hotpressplatform.com/about/theproject>.

<sup>113</sup> C.S. Lewis, *Mere Christianity* (New York: Macmillan, 1952), 28.

incorporate the other three elements of prevention, protection and partnership in favor of control. This leaves NGOs and non-profits struggling with an immense amount of landscape to cover and make up for on their own.

Throughout this paper, there has been an attempt to show the correlation between human trafficking as a human rights issue can become a calculated agenda for a state whose main goal is the “monopolize power.”<sup>114</sup> This goal plays in the background, even while the state’s primary goal can be to protect to victims of human trafficking. For example, TVPA tiers ranking promote human trafficking awareness but it is also a tool for the state to be a gatekeeper of information and resources.

The state requires legibility in order to maintain control and human rights issues foster environments where the oversimplification of discourse comes with little resistance. Of these unintended dangers of humanitarian norms author David Kennedy writes:

The vague and conflicting norms, their uncertain status, the broad justification and excuses, the lack of enforcement, the attention to problems which are peripheral to a broadly conceived program of social justice—all these may, in some contexts, place the human rights movements in the uncomfortable position of legitimating more injustices than it eliminates.<sup>115</sup>

Foucault believed norms appear due to the power relations created in organizational spaces. Which is exactly what is seen happening as Texas merges the human trafficking discourse with legislation and turns all the attention to domestic minors at the expense of the other forms of trafficking, and inadvertently creating a lack of incentive for law

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<sup>114</sup> Scott, *Seeing Like a State*, 87.

<sup>115</sup> David Kennedy, *The Dark Side of Virtue: Reassessing International Humanitarianism*, (Oxford: Princeton University Press, 2004), 25.



enforcement agencies to solve human trafficking cases that require more work. This leaves NGOs in a difficult spot, when they provide services for all victims but legislation and law enforcement agencies focus their energy, like in the nineteenth century, on a defined victim. NGOs then need to traverse the human trafficking field in Texas with caution when working with law enforcement agencies and trying to address the multitude of gaps and challenges that are already there and the new ones emerging in the wake of formulaic state planning. The general and theoretical criticism is intended to provide a reason to why it is victims and victims advocacy have difficulty advocating for services, and that law makers and academic should not only focus on the whether a victim-centered or prosecution-centered approach would be more efficient, because either way the process into which they are translated to in the first place produces unintended effects.

Moving forward, means having a strategic plan to combat human trafficking based on research to action. Scott defines this as use of practical knowledge that is gained through experience as “metis” and believes it can be the solution to institutions that are static and do not reflect the complexity of the issue.<sup>116</sup> For Scott law, “as an institution, owes its longevity to the fact that it is not a final codification.” Texas’ human trafficking legislation continues to make laws that address the same issue, instead of examining how the laws are utilized and there unintended consequences.

The ideal situation for human trafficking discourse would be one in which the concept of trafficking comes from developing a statewide action plan between NGOs and those working in the anti-trafficking space and related fields. This would include, homeless shelters, domestic violence shelter, LGBTQ organizations, labor unions, law enforcement

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<sup>116</sup> Scott, *Seeing Like a State*, 356.

agencies, all sharing data and research while creating awareness at the same time. Maria Trujillo, believes the research over the last fifteen year concerning human trafficking is there.<sup>117</sup> The strengths, the gaps, what worked and didn't work, and addressing duplications and fragmentations are all feasible. Trujillo, commented on how a group in Colorado, called the Laboratory to Combat Human Trafficking in Colorado or Colorado Project, has spent the last three years developing a research methodology.<sup>118</sup> Ending human trafficking requires parallel movements working together. Prosecution. Prevention. Protection. Partnership. Maybe human trafficking needs a new P. Parallel.

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<sup>117</sup> Maria A. Trujillo, interview by Rachel Hughey, March 11, 2014.

<sup>118</sup> Ibid.

## **Appendix A**

Texas Government Code section 402.035 established the Texas Human Trafficking Prevention Task Force, effective September 1, 2009. The Task Force is comprised of 47 members from state and local law enforcement agencies and organizations serving human trafficking victims.

### **The Texas Human Trafficking Prevention Task Force Report 2011 to the Texas Legislature, January 2011**

Nancy Arrigona, Texas, Juvenile Probation Commission, Carolyn Beck, Texas Alcoholic Beverage Commission, Bill Bernstein, Mosaic Family Services, Annette Burrhus Clay, Texas Association Against Sexual Assault, Sergeant Carlos Cantu, Harlingen Police Department, Blair Craddock, Texas Rio Grande Legal Aid, Commander Paul Cross, El Paso County Sheriff's Department, Captain Kenneth Dean, Fort Worth Police Department, Diana Franzetti, National Center for Missing & Exploited Children (Texas Office), Joe Gagen, Texas Court Appointed Special Advocates, Antonio "Tony" Garcia, South Texas HIDT, Assistant Chief Frank Gentsch, Waco Police Department, Lieutenant Gerardo "Jerry" Gonzalez, Austin Police Department, Lieutenant Paul Hall, Office of the Attorney General, George Hungate, West Texas HIDTA, Kameron Johnson, Travis County Juvenile Public Defender, Scott Joslove, Texas Hotel and Lodging Association, Mandi Kimball, Children at Risk, Blanca Denise Lance, Texas Department of Family and Protective Services, Mitch Landry, Texas Municipal Police Association, Honorable Rosemary Lehmberg, Travis County District Attorney, Captain Terry Lucas, Alvin Police Department, Major Mike Lusk, Smith County Sheriff's Department, Caitriona Lyons, Texas Health and Human Services Commission, Lieutenant Henry Mangum, Corpus Christi Police Department, Angie McCown, Texas Department of Criminal Justice, Virginia McCrimmon, Salvation Army (El Paso), Melissa Moreno, Catholic Charities (San Antonio), Raymond Ochoa, Bexar County Sheriff's Department, Lieutenant Thon Overstreet, Dallas Police Department Captain Justin Owen, Texas Department of Public Safety, Sheriff Gary Painter, Midland County Sheriff's Department, Robert Palm, Refugee Services of Texas (Austin), Honorable Susan Reed, Bexar County District Attorney, Constance Rossiter, YMCA International (Houston), Assistant Chief Deputy Doug Sutton, Lubbock County Sheriff's Department, Lance Sumpter, North Texas HIDTA, Detective Jesus Tamayo, Beaumont Police Department, Gloria Terry, Texas Council on Family Violence, Maria Trujillo, Houston Rescue and Restore Coalition, Sergeant Brian, Wallace, Amarillo Police Department, Alan Walters, Texas Youth Commission, Brad Ward, Texas Workforce Commission, Meghan Weller, Children's Advocacy Centers of Texas, Mary Anne Wiley, Governor's Office, Major Michael F. Wong, Harris County Sheriff's Department Deputy Andy Zamarripa, Webb County Sheriff's Department.

**The Texas Human Trafficking Prevention Task Force Report 2012 to the Texas Legislature, December 2012**

**Appointed Members List**

Honorable Rosemary Lehmberg Travis County District Attorney, and Honorable Susan Reed, Bexar County District Attorney, are included in the membership.

The membership agencies include: Alvin Police Department, Amarillo Police Department, Austin Police Department, Beaumont Police Department, Bexar County District Attorney's Office, Bexar County Sheriff's Department, Catholic Charities (San Antonio), Children at Risk, Children's Advocacy Centers of Texas, Corpus Christi Police Department, Dallas Police Department, El Paso County Sheriff's Department, Fort Worth Police Department, Governor's Office, Harlingen Police Department, Harris County Sheriff's Department, Houston Rescue and Restore, Lubbock County Sheriff's Office, Midland County Sheriff's Office, Mosaic Family Services, National Center for Missing & Exploited Children (Texas Office), North Texas HIDTA, Office of the Attorney General, Refugee Services of Texas (Austin), Smith County Sheriff's Department, South Texas HIDTA, Texas Alcoholic Beverage Commission, Texas Association Against Sexual Assault, Texas Council on Family Violence, Texas Court Appointed Special Advocates, Texas Department of Criminal Justice, Texas Department of Family and Protective Services, Dallas Police Department, Texas Department of Public Safety, Texas Department of State Health Services, Texas Health and Human Services Commission, Texas Hotel and Lodging Association, Texas Juvenile Probation Commission, Texas Municipal Police Association, Texas Rio Grande Legal Aid, Texas Youth Commission, Texas Workforce Commission, Travis County District Attorney's Office, Travis County Juvenile Public Defender, Waco Police Department, Webb County Sheriff's Department, West Texas HIDTA, and YMCA International (Houston).

## Appendix B

### Sample of the Texas Human Trafficking Legislation Questionnaire

APPENDIX A: TEXAS HUMAN TRAFFICKING LEGISLATION QUESTIONNAIRE

**Texas Human Trafficking Legislation Questionnaire**

1. What is the name of your agency/organization? And what is your title and/or position?

2. Is your program based in a:

☐ o City Attorney's office

☐ o District Attorney's office

☐ o Educational institution

☐ o Medical facility

☐ o Police department

☐ o Private for-profit agency

☐ o Private nonprofit agency

☐ o Religious faith community

☐ o Other

Other (please specify)

3. How familiar are you with the Victims of Trafficking and Violence Protection Act of 2000?

Not Familiar                      Somewhat Familiar                      Very Familiar

☐                      ☐                      ☒                      ☐                      ☐

4. Do you service domestic and/or international victims? Which of the following best represents the status of your trafficking victims?

☐ o Immigrant (status)

☐ o Permanent resident

☐ o Domestic

☐ o T visa

☐ o Refugee (status; legal vs. personal classification)

☐ o Other

What do you do when you encounter international victims?



5. TVPA calls for a “victim centered approach” do you see this ideology being personified in Texas human trafficking legislation? And how law enforcement approaches human trafficking victims?



6. Whom do you collaborate with in your area and to what extent?

- ☐ o Department of Justice (DOJ)
- ☐ o District attorney/Prosecution
- ☐ o Domestic violence agencies
- ☐ o Faith community
- ☐ o Local government (mayor's office)
- ☐ o Police department
- ☐ o Public defender's office
- ☐ o U.S. Attorney's Office
- ☐ o FBI
- ☐ o Immigration Services
- ☐ o Homeland Security

To what extent?



7. How familiar are you with the Texas Human Trafficking Task Force Reports?

Not Familiar

Somewhat Familiar

Very Familiar

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If you are familiar with the Texas Human Trafficking Task Force Reports, have you found the recommendations and laws passed in the last four years to make a difference?

[illegible]

8. In general, what services have trafficking victims needed and how has your agency been able to meet them.

[illegible]

9. The Task force has repeatedly called for more funds to aid NGO's working with human trafficking, but there has yet to be a fund made. Do you receive state or federal aid/grant money? If you can estimate how much of your funding comes from federal aid, grant money, or donations?

[illegible]

10. When providing services and aid to trafficking victims, what obstacles, bureaucratic, legal and pragmatic, most challenge the work you do work?

- ☐ o Coordinating with Federal agencies
- ☐ o Feelings of no support and isolation by service providers
- ☐ o Lack of adequate funding
- ☐ o Lack of adequate resources
- ☐ o Lack of adequate training
- ☐ o Lack of formal rules/regulations
- ☐ o Lack of in-house procedures
- ☐ o Lack of knowledge about victims' rights
- ☐ o Language concerns
- ☐ o Safety concerns
- ☐ o Other \_\_\_\_\_

Other (please specify)

		▲
		▼
◀		▶