



**Statement by  
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House Committee on Homeland Security  
"Combating Human Trafficking in Our Major Cities"**

Chairman McCaul, Members of the Committee – on behalf of Harris County District Attorney Devon Anderson and myself, thank you for the opportunity to appear before you with Special Agent in Charge Moskowitz, Director McCraw, and Sheriff Garcia to discuss what we are doing in Harris County to combat the epidemic of human trafficking. The people you see here today represent the commitment and cooperation of state and federal law enforcement agencies to not only identify and bring to justice predators who enslave their fellow human beings, but also to implement a new sensitivity to the victims of human trafficking who are often coerced into committing criminal acts and become dependent on their captors.

**My Work**

In February 2013, Harris County District Attorney Mike Anderson hired me to be a human trafficking specialist with an emphasis on working to help victims and prosecute exploiters.

My legal background prepared me for this work. After serving as a briefing attorney for the Fourteenth Court of Appeals, I served as an assistant district attorney with the Harris County District Attorney's Office. When I later went into private practice, local juvenile judges appointed me to represent children charged with criminal offenses.

One of the cases to which I was appointed resulted in a landmark decision from the Texas Supreme Court. In 2007, I was appointed to represent on appeal a thirteen-year-old child – B.W. – who had been adjudicated delinquent for prostitution. Working with attorney Michael Choyke, we appealed B.W.'s case to the Texas Supreme Court and the Court not only reversed B.W.'s adjudication, but also expressly affirmed that *all* children under the age of fourteen years are unable to legally consent to sex. In short, they are *victims* of child prostitution, not offenders.<sup>1</sup>

After *B.W.* was decided, I made many presentations regarding the decision and the practical and legal challenges we face in attempting to assist children like B.W. Juvenile court judges continued to appoint me to represent children in specialty dockets like the Mental Health Court and the Growing Independence and Restoring Lives (GIRLS) Court.

Since returning to the District Attorney's Office in 2013, our office has pursued investigations and prosecutions of more than two hundred cases related to human trafficking. We have also worked with law enforcement officers at human trafficking crime scenes and

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<sup>1</sup> *In re B.W.*, 313 S.W.3d 818 (Tex. 2010).

spoken with children and adults charged with (or rescued from) engaging in prostitution. What follows is an overview of what I have learned about human trafficking.

### **The Nature of the Problem -Overview**

Human trafficking is the exploitation of another human being by labor or sex. It is a modern-day form of slavery, impacting the most vulnerable among us and affecting every social group, all genders, and all ages.

Human trafficking is the second fastest growing criminal enterprise and, unfortunately, Houston is a primary hub. Most of the cases filed involve sexual exploitation. The victims are hidden in plain sight along our streets, concealed in massage parlors, spas, cantinas, strip clubs and other enterprises in our community, or marketed on Internet sites.

Human trafficking is not limited to international victims. A majority of the victims are American children who often have mental deficiencies and end up on the streets on the run from abusive homes or unwanted placements. For survival, they allow themselves to be recruited by pimps who take advantage of the kind of money that can be made by a child in what is known as the "Game."

### **The Game**

The Game is prostitution, a cruel lifestyle in which people are manipulated, controlled by drugs and violence, and ultimately trapped in a life of providing sex to anyone for a fee.

The pimp's prostitutes are his or her resources. The pimp may refer to the prostitutes as "hoes," "girls," "workers," and the group as a "stable."

A hierarchy exist in the stable in which the "bottom" girl, who is closest to and ironically has been with the pimp the longest, helps run the Game by setting up dates and teaching the girls how to act. The bottom girl may beat the other girls for the pimp if they get out of line, or she may take the beating from the pimp, which also sends a message to the other girls in the stable.

Prostitutes may come and go in and out of jail, or be traded among pimps. It takes work for a pimp to build up a stable. For example, a pimp may act as a trick in order to steal a girl from another pimp's stable. Because of this danger, prostitutes are instructed to never look a trick in the eyes. In the Game, if you look another pimp in the eyes, you are choosing to go with them. If so, the pimps will work out an arrangement in which the new pimp pays off the old pimp. Of course, the new pimps do not pay from their own pocket; they have the girl work off the debt.

Pimps demand that girls bring in a daily quota by selling themselves, performing various sex acts in exchange for money. The buyers are known as "tricks" or "johns." Agreeing to sex, oral or straight, in exchange for money is a crime. Accordingly, code language fools no one but it seeks to avoid legal traps. A "date" or "trick" meets a "john" or "trick" because she is "working," "is interested in having fun or getting freaky," and is ready to give a "BJ" or "head" for a "donation" or "roses." Because selling or having sex with a child is a greater crime, the child's age is often given as one of legal consent, such as 18.

The business of prostitution is set up on “the track,” the local streets where girls walk waiting to be picked up by a date in a car or taken to local hourly rental motels. Johns are also attracted by Internet ads or locations of other sexually oriented businesses.

Women have described being beaten by their pimp to a degree they were barely able to perform, and still have johns go through with the sex act with them despite their obvious physical injuries. Child victims describe telling johns their real age in hopes the johns will not go through with the sex act and help rescue them. However, their hopes are almost always dashed as the johns, including returning johns, go through with the sex act, provide them money, and let them go back to their pimp. In one case, the john *requested* the “one with braces.” Child victims describe using drugs as a means of numbing the abuse.

### **Texas and National Recognition of Prostituted Children**

Texas studies related to children and prostitution’s effect on them reveal some disturbing trends. For example, in 2009, the Texas House Committee on Human Services noted:

Human trafficking is a modern day form of slavery. ... Texas has 20 percent of the market in the United States, and Houston is currently the world’s largest center for human trafficking ... [T]he vast majority of domestic victims of human trafficking were minors; approximately 70 percent of the children fall into the sex trade. ... Unfortunately, most of these children are criminalized and placed with Child Protective Services with the result that the child does not receive the necessary services and often falls back under the thumb of traffickers.<sup>2</sup>

As early as 1999, publications produced by The National Center for Missing and Exploited Children and the United States Department of Justice pointed out that “prostitution of children is closely tied to life on the streets,” that pimps “look for young girls who are lonely or rebellious, with low self-esteem,” and they “prey disproportionately on young runaways.”<sup>3</sup> Simply stated, once on the streets, children often engage in “survival sex.”

In response to Texas’ challenges, the Texas Human Trafficking Prevention Task Force was created to study human trafficking. The Task Force found that identifying child victims is difficult due to a lack of general understanding about human trafficking among those that come in contact with children, the failure of child victims to self-identify, contradictory laws and lack of legislation.<sup>4</sup> The Task Force found:

- 11,942 juveniles were arrested as runaways in 2009.
- Children are approached by traffickers within 48 hours of running away.
- The number of victims identified reflects only .4% of the victims in existence. This means that, for every victim we recover, there are two hundred more just like them that we have yet to identify.

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<sup>2</sup> *Bill Analysis*, Tex. C.S.H.B. 4009, 81<sup>st</sup> Leg. (2009).

<sup>3</sup> Eva J. Klain, J.D., *Prostitution of Children and Child Sex Tourism: An Analysis of Domestic and International Responses*, N.C.M.E.C. (April 1999).

<sup>4</sup> *See Texas Human Trafficking Prevention Task Force Report*, January 2011, at 12.

- The average age of entry into prostitution is *twelve*-years-old.

These risk factors and statistics highlight the need for Texas to secure and protect children immediately upon recovery.

### **The Challenges to Providing Care for Prostituted Children**

Texas has two ways to provide services for and taking custody or possession of a child: The Texas Department of Family and Protective Services (Children’s Protective Services, hereafter “CPS”) may assist victims of abuse or neglect from birth until age eighteen; and the Juvenile Justice System may assist children engaged in delinquent (criminal) conduct and in conduct indicating a need for supervision for ages ten to seventeen.

Although placement for offenders can be in physically restrictive and locked-down facilities, placement for victims of abuse or neglect or children who engage in conduct indicating a need for supervision, such as running away, generally cannot be placed in secure facilities. Thus, another challenging and recurring scenario confronted by state authorities is recovery of a problematic child in the early morning hours when the proper services are not equipped to handle the recovery and continued placement of the child.

### **The Limitations of the Juvenile Justice System and the Shift in viewing Prostituted Children as Victims and Not Offenders - *In re B.W.***

The case of *In re B.W.* illustrates many of the commonalities of the population and typical challenges of attempting to provide them placement and services.

B.W. was a 13-year old runaway from the CPS who had been living on the streets for fourteen (14) months. On January 11, 2007, at 10:30 a.m. on a Tuesday morning, she was arrested by Houston Police Department officers for agreeing to oral sex for a fee of \$20.00. Officers charged her originally as an adult because she lied about her age. Upon discovery that she was only thirteen-years-old, her case was refiled in the juvenile system. At the time, she made an outcry that she had been living with her “32-year-old boyfriend” who was having sex with her. However, the record remains silent as to any investigation into the “32-year-old boyfriend” or any other person who put her in the position of selling herself. A psychological report indicated B.W. was an “emotionally impoverished, discouraged and dependent adolescent” who “exhibited patterns of feeling sad, downhearted, unworthy” ... [S]he “yearns for acceptance from others, although her hopes appear to be waning rapidly.” Reports also indicated that she carried sexually transmitted diseases and was mentally deficient.

B.W.’s case contained some of the common challenges we see with child victims of prostitution. They do not self-identify as victims and may not know what is happening to them is against the law. They often identify or see their pimps as a boyfriend or love interest and will lie in an attempt to avoid recovery by law enforcement.

In deciding B.W.'s case, the Texas Supreme Court recognized for the first time that children do not freely choose a life of prostitution, but instead are manipulated and controlled by their exploiters.<sup>5</sup> Further noting, the Court wrote:

It is difficult to reconcile the Legislature's recognition of the special vulnerability of children, and its passage of laws for their protection, with an intent to find that children under fourteen understand the nature and consequences of their conduct when they agree to commit a sex act for money, or to consider children quasi-criminal offenders guilty of an act that necessarily involves their own sexual exploitation.<sup>6</sup>

The age limitation on juvenile justice prevents it from being the answer. The case of Shaniya Davis, a five-year-old child in North Carolina, illustrates the impact this offense can have on children of any age. Media reports show haunting surveillance video of that child being carried by a man through a hotel hallway prior to her killing. The man and Shaniya's mother were prosecuted for human trafficking.

### **The Practical Limitations of Children's Protective Services in Providing Care for Prostituted Children**

In recognizing these children as victims, CPS is the appropriate vehicle to provide care for these children. However, the practical and legal limitations of existing CPS facilities and services make CPS a problematic and unrealistic resource.

Many prostituted children come from abusive homes or have already been taken into custody or care by the State as a victim of another form of abuse. In this respect, they appear to be a population CPS has already been unable to supervise or help. These children are "runners" and take advantage of the inability of CPS to provide secure lock-down placement.

Officers express extreme frustration with recovering a prostituted child from the streets and returning them to a proper CPS placement facility only to have the child leave because agency representatives have no ability to restrain or stop them. Worse, some children do as instructed by their exploiters: they not only run, they encourage additional girls to run with them.

This does not happen in all facilities. Some secure and therapeutic placement facilities are licensed to serve both CPS dependant and Juvenile Justice's delinquent populations. However, a constant need exists for "beds" in these appropriate facilities.

This challenge raises the need for more proper placement facilities with the capacity to triage a child's initial recovery and treat the child's acute medical, mental health and drug conditions.

### **Identifying Children**

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<sup>5</sup> See *In re B.W.*, 313 S.W.3d at 826.

<sup>6</sup> *Id.* at 821-22.

Once a child is on the run, it is difficult to ascertain their true identity. Many times, children give a false date of birth and without the ability to verify the information they are released or processed through adult jail systems undetected.

Strategies exist to help mitigate this problem, however. For example, many states do not report CPS runaways to the Center for Missing and Exploited Children. Adding children to this database could assist recovery.

Existing law enforcement protocols allow for the identification of persons by fingerprints out on the streets. If a child is under the jurisdiction of CPS, however, the State does not obtain the child's fingerprints. This policy should change. Collection of these fingerprints would aid recovery of these vulnerable children. If there are concerns about the child's privacy from such a policy, they can be resolved by adopting a policy of purging fingerprint records upon the child's emancipation or eighteenth birthday.

### **Juvenile Justice Response to Providing Care for Prostituted Children - Growing Independence and Restoring Lives (GIRLS) Court**

As a result of CPS deficiencies and placement challenges, law enforcement officials tend to use any appropriate delinquency charge to place the child in the secure lock down facilities of juvenile justice.

In July of 2011, the 315<sup>th</sup> Juvenile District Court had before it a child victim of human trafficking, but the child was also a probationer being lawfully prosecuted for an offense of delinquent conduct. Recognizing the need to provide a victim-centered approach for child victims of human trafficking lawfully brought into the Juvenile Justice System, State District Judge Michael Schneider and Associate Judge Angela Ellis created the GIRLS Court.

Everyone had the desire to handle these cases differently, but the team effort necessary to actually make it happen under then-existing circumstances was remarkable. The GIRLS Court would not have been created without the leadership of the judges and the willingness of the Harris County Juvenile Probation Department to consider the issue a priority in the face of budget constraints.

The GIRLS court was created as a collaborative approach drawing upon the support of the judges, probation officials, other government agencies, non-profit partners, the Public Defender's Office, private practice attorneys, and the District Attorney's Office. Many professionals began giving their time for weekly staffing and monthly review hearings with the participants and staff members, who make themselves available at all hours. In partnership with organizations such as the YMCA International, local community emergency shelters, and the Children's Assessment Center, existing services and specialized programs were created.

Most of the children in GIRLS Court identified as human trafficking victims have been charged with other offenses, such as failure to identify themselves or possession of marijuana. This program diverts them from standard probation into the GIRLS Court, which targets their individualized needs, and places them in facilities for medical, mental health or drug treatment.

Examples of some of these children are:

- B, a thirteen-year-old girl recruited out of a local mental health facility by an older teen who had been trafficked and beaten with a wrench and thrown from a car. B recalled heavy drug use and vague memories of men having sex with her.
- L, who was offered a ride home by a male her friend knew. He drove her home for a couple of weeks and flashed money. He then asked her to make money for him and threatened her mother, having looked up where her mother worked to make the threat seem credible, if she refused. He took L to various cities, branded her with his tattoo, and began working her in strip clubs to engage in prostitution.
- P was taken to another country and left with relatives who began prostituting her in cantinas around the age of eight. Once here, her mother and her mother's boyfriend prostituted her in various motels. She was recovered at the age of fourteen, but her aunts pressured her not to testify against her mother.

Upon successful completion of the program, GIRLS Court records are sealed to prevent the child from carrying the stigma of a criminal adjudication. When age-appropriate transition to adult and independent living is possible, the girls are transferred to other services.

At its creation, the GIRLS Court founders confronted the one child, and questioned whether enough need existed to create an entire court and program for such victims. A shift in juvenile intake process provided the answer. At this time, 190 referrals have been made for acceptance into GIRLS Court. This population breakdown is 57% African American, 26% Hispanic, 16% White and 1% Asian. The court has only been able to accommodate 34 participants. Of those, 12 have successfully completed, 3 are on runaway status and 19 remain on treatment schedule in the program.

In addition to the youth participating in the GIRLS Court, the Harris County Juvenile Probation Department has an assigned supervisor that monitors several of the human trafficking cases that present to the department that are unable to participate in the GIRLS Court program. This supervisor assists these youth by making referrals to needed services like the YMCA International, group and individual counseling, and psycho-educational training about human trafficking. This supervisor currently has a caseload of 74 youth.

GIRLS Court participants speak of wanting to become attorneys or probation officers in order to impact and rescue others like them. Success is when the girls perceive, voluntarily, that they are no longer controlled or supervised by the program but see themselves as part of the solution. GIRLS Court represents a common sense solution and a collaborative approach with the vision of breaking the cycle of abuse and recidivism.

### **The Revolving Door of Prostituted Adults and Possible Solutions**

The Texas Legislature has also taken important steps toward encouraging reform in the area of adult prostitution.

Like many others, my thinking about prostitution shifted with understanding. As a proud native Houstonian, I did not know what human trafficking was, much less know (or want to believe) that our city was a hub for it. Yet, strip clubs, parlors and gentleman's clubs are commonplace in our city and there is little talk of the probable criminal activity occurring inside.

Prostitution is glamorized with portrayals in movies like *Pretty Woman*. Unlike the appearance of Julia Roberts, these women are rarely “attractive”; instead, they wear the scars of drug use and violent times on the streets.

In response to our wanting to ensure they knew the activity was illegal, recommendations for repeat offenders were increased. State laws allow for the enhancement of misdemeanor charges to felony charges and incarceration in state jail and prison facilities.<sup>7</sup>

The Texas Legislature recently recognized that incarceration of such offenders is costly; the average annual cost to house an offender in “state jail is \$15,500” and an annual cost of “\$18,538 for state prison.”<sup>8</sup> In contrast, prostitution rehabilitation programs are “identified as a viable, cost-effective, rehabilitative alternative to incarceration, at a much lower cost to the taxpayer of only \$4,300 per year.” The “high recidivism rate among this population signifies incarceration” has not been effective to break the cycle, which “often come from long histories of abuse, neglect and addiction.”<sup>9</sup>

Many examples exist of adult prostitution defendants trapped in the costly revolving door of criminal conduct:

- V is a 58-year-old arrested 40 times, 32 for prostitution, four for pimping.
- C is a 48-year-old woman arrested 59 times, 49 for prostitution, the others for drug related offenses and endangering by “leaving her small infant children.”
- M is a 39-year-old with 39 offenses throughout four states since the age of eighteen.

Unfortunately, prior prostitution convictions may hinder these women from believing that they have any alternative. Some even understand that taking a conviction will result in a lifelong criminal history for a crime of moral turpitude, yet they are willing to do it for their pimp, either out of fear or perceived love.

Most of these women are stuck in a life they were brought into as children. For example, a nineteen-year-old described being in the Game since running from CPS at the age of thirteen. She described in matter-of-fact terms running naked to the door for the mailman at the age of three, with her father running naked behind her, having sexually assaulted her. In and out of the CPS system and jail, and having been traded or moved from pimp to pimp, she is looking for something better. Today, she has no reliable place to turn to when she walks out of the Harris County Jail.

A program illustrating the type of success possible is the Harris County STAR (Strength Through Addiction Recovery) Court. The collateral success is evident from the work of Kathy Griffin, a graduate of STAR Court and human trafficking survivor tirelessly dedicated to helping other prostituted people accomplish the same. She started *Been There Done That*, a program assisting prostituted people incarcerated in the Harris County Jail, with the support of Sheriff Adrian Garcia. Her ability to empathize speaks to them in a language they understand and opens doors to recovery.

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<sup>7</sup> See Texas Penal Code § 43.02.

<sup>8</sup> See 83(R) Texas Legislative Session, Texas Senate Bill 484, Bill Analysis, 2013.

<sup>9</sup> *Id.*



To that end, Texas passed legislation requiring all counties to adopt a program similar to GIRLS Court for juveniles and to create Prostitution Prevention Courts for adults. However, unfunded mandates or insufficient grants often result in either taking funds from another child or program in need or the failure to implement programs for lack of funds. The concern is that such policies will result in a disincentive to “discover” the population in order to avoid the budget problem. Federal assistance for such programs is needed.

### **Human Trafficking as an International Criminal Enterprise**

Human trafficking business enterprises are set up like layers of an onion. They are extremely organized and attempt to operate in the most untraceable form, on a cash basis. They separate and divide responsibilities and attempt to create distance and plausible deniability, not only within cities, but across the country. We see international girls brought across state lines and rotated among major cities.

A multi-billion dollar industry, human trafficking as a business enterprise is also hidden in plain view. Concealed larger prostitution operations are found in massage parlors and spas. A typical location might operate within a strip center. You cannot see inside. The windows are blacked out, but a sign flashes “open.” The workers, predominately women, are kept inside and surveillance cameras monitor the exterior and interior. Cameras may be monitored offsite allowing others to remotely wipe digital recording and equipment systems as they see raid teams approach.

Workers often do not leave the facility: The business premises often include a kitchen, shower, and a room lined with beds where workers sleep. Workers provide sexual services to whoever walks in the door, 24 hours a day, seven days a week. A storage area holds workers’ suitcases, some still marked with travel tags from recent flights and workers already hold a ticket for their next destination. They describe being recruited by one person on the phone, picked up by another at the airport, and being dropped off at the business. Others stop by to pick up the cash and they describe the management as very smart, warning: “You will not find them.” Ledgers and bank records show thousands of dollars in cash being deposited and funneled through multiple accounts throughout the United States or wired abroad.

These women may have a debt to pay or may have been promised a legitimate job, but when they arrive, an outfit, such as suggestive lingerie, is provided and they are instructed that in order to make more money they have to give “extra” services. One woman let us know that she did not want to commit prostitution, but that she lost a legitimate job and a debt holder against her family, out of this country, connected her with the spa to make sure she could keep paying.

These workers often may have lawfully entered the United States on a student or work visa. Some have false identification or no identification. Often they speak no or limited English. Prostitution enterprise raid operations uncovered Internet advertisements listing: “4 young Asian Staff to pick from,” “all new Asian staff,” and “we have NEW GIRLS every week!”

The pressures of being in a criminal enterprise, coupled with cultural pressures, play a role in their not speaking out against their exploiters to law enforcement.

### **Law Enforcement’s Challenges and the Need for Increased Collaboration to Prosecute Exploiters**

The Texas Human Trafficking Prevention Task Force recognized Texas must do more to reduce the supply and demand by prosecuting both the pimps and johns who exploit them. For example, in 2009, only ten people were sitting in prison – statewide – for having pimped children.

The Harris County District Attorney's Office is answering that call. Today, Mike Anderson's commitment continues with the leadership of Harris County District Attorney Devon Anderson. District Attorney Anderson is in the unique position of being a former prosecutor, a former Judge presiding over the STAR Court, and one of the founding attorneys representing children on GIRLS Court. She has unique sensitivity to the complicated nature of the offenses and their victims, as well as firsthand experience with these Courts.

While Houston is a hub, our problem is not entirely local. We see pimps from other cities bring their girls to Houston, especially for big venue events such as All Star and championship games. Human trafficking crosses state and international lines and increased communication among all governmental agencies is needed.

Our dedicated position allows a central location where both local, state and federal prosecutors and law enforcement are able to reach out 24 hours a day with cases for review, investigation and prosecution. Implementing such an approach is time-consuming and requires training and outreach and additional work by District Attorney Office prosecutors and investigators.

The approach is leading to identification of co-defendants and victims who are passed among pimps or transported from other counties or states. We are also recovering additional evidence resulting in increased prosecutions of johns, pimps and owners.

While these connections are being made among individuals, systematic protocols are needed to enable better collaboration. An example of this need is the recovery of a fifteen-year-old child victim who was placed in a non-secure CPS facility and ran because law enforcement was unable to correctly identify the child and was unable to communicate with another county. If proper methods of identification and communication had been in place, officers would have been able to identify that child and know the child was lawfully under supervision by another juvenile justice system. That child would have been taken to a secure juvenile justice facility to hold until the proper county could pick up the child.

Another example involves an international defendant/potential victim and witness in pending court proceedings in Harris County who was subject to a court subpoena to testify against a business owner. Despite communication with one federal agency, she and another international defendant/potential victim and witness were allowed to leave the country, with one taken to the airport by federal authorities after a bail bond was posted by a person connected to the prostitution enterprise. Increased communication and collaboration of the multiple interests of local, state and federal authorities is critical.

When given an opportunity to prosecute at a state level, Texas has strict statutes against human trafficking, sexual assaults, compelling prostitution, and aggravated promotion of prostitution. High punishment ranges allow juries the flexibility to see that justice is done.<sup>10</sup>

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<sup>10</sup> See Texas Penal Code Chapters 20, 21, 22 and 43.

Juries are responsive to these cases. For example, our office prosecuted Mark Anthony Kentish for pimping a fifteen-year-old child and a jury found him guilty and assessed his punishment at 45 years in prison. This case and investigation started with a routine traffic stop by a new patrol officer, but because he had been trained to spot signs of human trafficking, he handled the case appropriately and recovered the child.

Resources are needed to train law enforcement to better identify whether a challenging suspect is actually a victim. Misidentifying victims as offenders affirms training by exploiters that society will see these girls and women as “nothing more than a whore” who “won’t be believed.” Removing the person being prostituted without any consequence to the pimp simply creates a vacuum in which the pimp will go out and find another human being to fill the void.

We are making progress and using every tool available to send a message that Harris County will no longer tolerate being a hub of this modern day form of slavery and to let exploiters know there is a significant cost of engaging in this business. However, typical evidentiary challenges exist similar to other criminal enterprises: exploiters use false identification, burner phones, vanilla prepaid credit cards, or “straw buyers” to subvert identification requirements. There are Internet sites for johns in which they anonymously rate and discuss the sexual services.

Training and resources for local, state and federal law enforcement officers is critical to identify operational methods and collect evidence for prosecution.

### **Recovery by Law Enforcement and Collaboration of All in the Criminal Justice System**

Irrespective of their location, recovery of these victims by law enforcement means that many of the people we are trying to recover come to our attention as defendants. Criminal laws against prostitution and local and county ordinances against sexually oriented businesses provide a vehicle for officers to make an arrest or recovery of victims. Last year, some 190 such cases against sexually oriented businesses have been filed in Harris County. These ordinances and cases also help efforts by County Attorney Vince Ryan and the County Attorney’s Office to shut down business enterprises through civil nuisance lawsuits.

The hope is the arrest gives the potential victim an opportunity to be physically removed from enslavement and an opportunity to reach out to law enforcement for help. However, the complicated nature of viewing those recovered as both offender and victim makes this work difficult. For example, a seventeen-year-old child in Texas legally may be prosecuted in misdemeanor court as an adult yet also be the child victim of a pimp who is compelling prostitution of one under the age of eighteen-years-old. The difference between knowing if someone over eighteen years of age is willingly breaking the law and committing prostitution or is being compelled by force or threat is dependent upon the strength and quality of the investigation and the victim’s willingness to self-disclose.

Law enforcement knows as well that, upon arrest, pimps or owners attempt to bond out their girls to keep them working or “in pocket” while charges are pending. Additionally, once the right to counsel attaches, communication with the defendant/potential victim is only accomplished with the assistance of counsel. At that point, communication with law

enforcement is either aided or hindered. Some defense attorneys play a key role by understanding and advocating the significance of a criminal charge, availability of defenses, services and certain legal status protections, such as U and T Visas, allowing cooperation. In other instances, however, counsel might be hired by the exploiter.

Significant resources exist to assist victims. Trying to convince someone to cooperate and their not agreeing to do so is like watching a person drown while holding a life preserver. In one circumstance, a defendant was accompanied to court by a “driver” and “translator” who advised the attorney that she wanted to plea guilty. However, when questioned by the judge and a court interpreter, that was not what she wanted. Yet, she remained unwilling to cooperate with law enforcement. The cultural, financial and other pressures on these girls and women not to cooperate makes it critical that we have the evidence to make the cases without their cooperation, where possible.

### **Raising Community Awareness and Action**

Some suggest that the increased awareness of human trafficking as a problem is actually an attempt to prohibit consensual sex. That argument falsely implies that both parties are consenting. The reality is that one party is not consenting when that party is a child, is mentally deficient, or is meeting a financial quota for another in fear of physical abuse or threat of harm to themselves or others. Identifying the distinction is the challenge we all have accepted.

This issue is complex and addressing and combating it requires in-depth investigations and prosecution of exploiters, along with services for the victims. Accomplishing these tasks successfully requires the assistance and cooperation of multiple governmental agencies, non-profits and our community at large. Increasing awareness of the damage that human trafficking is doing to communities is a key.

Here in Houston, many organizations have joined this fight. Houston Rescue and Restore, Children at Risk, the Catholic Charities, Free the Captives, and YMCA International are among many local organizations that help us raise awareness of the problem, bring compassion to victims, and join us in seeking solutions.

With our continued work with local, State, and Federal law enforcement to protect victims and prosecute exploiters, we will bring these cases to local juries and give them the opportunity to set the standard for our community. We believe strongly that they will not want Houston, Harris County, Texas, to continue as the major hub for human trafficking and that these juries will see that justice is done.

Our work is just beginning, Congressmen, and we need your help.