

# **DOMESTIC MINOR SEX TRAFFICKING**

Fort Worth, Texas



***Shared Hope International exists to rescue and restore women and children in crisis. We are leaders in a worldwide effort to prevent and eradicate sex trafficking and slavery through education and public awareness.***



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# Fort Worth/Tarrant County Assessment

Identification of domestic minor sex trafficking  
victims and their access to services

July 2008

Prepared for  
Shared Hope International

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Sincerely,



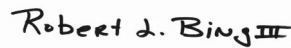
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## EXECUTIVE SUMMARY

This rapid assessment on the identification of, access and service delivery to domestic minor sex trafficking (DMST) victims was implemented by Shared Hope International with a grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA). The assessment was conducted in Fort Worth, Texas, and the larger metropolitan area within Tarrant County. The project involved structured interviews of 29 professionals, including law enforcement officials, prosecuting attorneys, juvenile detention staff, child protective services (CPS) personnel, and staff of nongovernmental organizations (NGOs). With the exception of juvenile justice judges and public defenders, the research team interviewed nearly all major categories of professionals deemed likely to come into contact with DMST victims in regards to the prevention, prosecution, and protection.

DMST is the commercial sexual exploitation of U.S. citizen and lawful permanent resident minors under the age of 18. It is frequently unreported and under-identified. Many of victims of DMST live in fear and are commercially sexually exploited by traffickers/pimps, who can be family members, friends, significant others, or strangers. The frequently concealed nature of this exploitation has a devastating impact upon children. There is widespread concern that law enforcement and other agencies may not be meeting the needs of these children, who are typically psychologically and physically manipulated by traffickers/pimps to perform sexual services for money and/or other forms of compensation, such as shelter, drugs, or food. This assessment seeks to identify the scope of the problem, where DMST victims are accessing the system, how they are being identified, and due to the resulting label, how DMST victims are or are not receiving access to services. Research was compiled by employing a methodological approach described below and relied upon both qualitative and quantitative data.

## RESEARCH METHODOLOGY

The research methodology was designed to gather information about the incidence/prevalence of DMST, as well as the subsequent identification of victims and the access and delivery of services to DMST victims in the Fort Worth/Tarrant County area. Structured interviews were completed with professionals deemed likely to come into contact with a DMST situation or victim. In addition to the interviews, statistical data was collected from agency representatives whenever possible regarding the crime of DMST and contact with DMST victims. The field interview tool was divided into three sections: prevention, prosecution, and protection. Based upon the responses to questions from the prevention, prosecution, and protection categories in the standardized interview protocol, gaps, challenges, and promising practices were obtained that relate to the phenomenon of DMST.

## Key Findings

**1. Domestic minor sex trafficking victims are not often identified in the Fort Worth/Tarrant County area or may be misidentified as delinquent youth, runaways, etc.** No specific protocols for identifying victims of DMST were found. In addition, preexisting intake/interview processes for agencies likely to come into contact with this population, with the exception of the Fort Worth Police Department Anti-Trafficking Unit (FWPD ATU), do not ask specific questions that facilitate victim identification. Most interviewees revealed a lack of awareness of DMST and a lack of appropriate methods for tracking DMST victims. Nevertheless, agencies indicated that when they did suspect the presence of DMST, they almost always tried to avoid treating the child as a chargeable offender.

**2. Estimates suggest a large population of runaway and at-risk youth may be vulnerable to becoming victims of DMST in the Fort Worth/Tarrant County area.** A 2004 report published by the Tarrant County Homeless Coalition estimated the number of homeless children in Tarrant County to be around 964: 234 sheltered, 69 unsheltered, 414 transitional, and 308 permanent.<sup>1</sup> Another report on homeless youth in Arlington suggests that there may be up to 2,000 homeless children in any given year. Homeless youth are extremely vulnerable to recruitment by traffickers/pimps and exploitation by buyers.

**3. There is an overall lack of awareness of domestic minor sex trafficking and human trafficking federal and state laws.** Many interviewees had no knowledge of the federal TVPA, which affords victims of DMST a variety of protections and the right to access services, and does not require the proof of force, fraud, or coercion if the exploited person is less than 18 years of age. In addition, the Texas human trafficking law was not well-known and was rarely thought of in terms of this victim population.

Furthermore, there was conceptual and definitional confusion among practitioners with respect to the term “domestic minor sex trafficking” that led to a failure to identify DMST victims. Some social service agency representatives did not fully understand what the phrase domestic minor sex trafficking (DMST) meant; rather, it was better understood in relation to more general sexual offenses against children, such as the use of “grooming” tactics by trafficker/pimps. Grooming refers to offender manipulation of children by promising items valued by the victim or complimentary behavior toward potential victims in order to gain their cooperation to engage in exploitative sexual activity.

**4. Though infrequent, training regarding DMST is more prevalent among law enforcement agencies than the other agencies who come into contact with DMST victims.** The three major law enforcement agencies interviewed—Arlington Police Department (APD), Fort Worth Police Department (FWPD), and Tarrant County Sheriff’s Office (TCSO)—have received training concerning DMST, but this training and a general understanding of the problem is not widespread throughout each department. Though a limited number of officers within each law enforcement entity have received some training, there was a stated need and desire for more officers to receive adequate training in this area. The Arlington Police Department has a number of officers who have been working with the U. S. Attorney’s office in Dallas on a task force regarding DMST that is in the early stages of developing training for the entire department regarding the issue. FWPD Anti-Trafficking Unit—installed near the end of 2006—has begun and continues training initiatives to raise awareness of this issue. While there is some interest, much of the training is voluntary and not mandatory. Most other interviewees, with the exception of the Tarrant County Juvenile Services (TCJS), had never received specific training on DMST.

**5. With respect to domestic minor sex trafficking, most youth were generally identified as victims and not criminals.** Overall, DMST victims were viewed as victims by prosecution personnel, NGOs, CPS, juvenile justice, and law enforcement, though some professionals have difficulty overcoming the frequently tough attitudes of victims and the potential involvement of victims in other types of criminal or delinquent activity, such as trespassing, curfew violations, and theft. Participants from the Arlington Police Department had trouble identifying the number of DMST victims it may have encountered due to the fact that they make every effort not to criminalize the minor. While this is a positive and appropriate response to the crime of DMST, other avenues of tracking the number of DMST victims must be developed so that victims can be better protected, trends in DMST can be identified, and appropriate charges can be brought against the perpetrator.

Unfortunately, there have been DMST victims who were charged with the crime committed against them. The juvenile justice system in Tarrant County reports that, since 2000, 35 juveniles have been charged with prostitution and prostitution-related offenses—an average of four per year.

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<sup>1</sup> “2004 Tarrant County Homeless Survey.” <<http://www.tchcoalition.org/2004TCHS.pdf>>. Accessed on May 20, 2008.

**6. Increased cooperation between local and federal law enforcement agencies would increase victim/witness protections.** Local law enforcement officials, including officers and victim assistance staff, expressed a desire to work more closely with federal counterparts, especially the Federal Bureau of Investigation (FBI). Such collaboration is critical to the investigation and prosecution of DMST cases, and to the most effective provision of services to victims through witness funding or victim of crime funding.

**7. Professionals in the Fort Worth/Tarrant County area indicate a primary challenge is obtaining disclosure by domestic trafficked minors (DTMs) of their victimization.** Almost every person interviewed for this assessment indicated it was difficult to gain cooperation from domestically trafficked minors (DTMs). The minors do not want to come forward about their victimization for a multitude of reasons. Though victim disclosure is imperative to build a case against the perpetrator, it is also recognized that intake questions and lack of knowledge by the interviewer impede disclosure. Together, these two factors potentially account for the low numbers of reported DTMs—a problem of misidentification rather than the non-existence of DMST victims in the Fort Worth/Tarrant County area.

**8. Few traffickers/pimps are prosecuted under state or federal law for trafficking, including family members identified as trafficking/pimping their children through sexual abuse investigations or counseling.** When social service providers identify a family member or caregiver who has trafficked/pimped their children for drugs or other items of value, the evidence suggests that there is little inclination to attempt prosecution specifically for the crime of human trafficking. In fact, there have been very few charges of human trafficking brought forth since the passing of the TVPA in 2000 and only two state cases earlier in 2008. Instead of being charged with trafficking, the perpetrators are typically charged with other state-level offenses, such as sexual assault of a child or sexual performance of a child. However, interviewees did give the impression that they have frequently prosecuted the trafficker under the statute of “compelling prostitution.”

**9. Special counseling and treatment programs are lacking in the Fort Worth/Tarrant County area for DMST victims; however, there is a culture of collaboration among agencies.** The counseling needs of DMST victims are different than child victims of non-commercial sexual exploitation, yet no special programs for these victims were identified throughout the course of the assessment. In some instances, the needs of these victims are partially addressed through individual counseling, but only if the child reveals such victimization. When a victim of DMST is identified, either as a trafficking victim or as a sexual abuse victim, there is a concerted effort among agencies to make appropriate referrals and to coordinate responses. Unfortunately, participants stated that many gaps and challenges, such as a lack of DMST specific programming, hinder such efforts.

**10. There are few placement alternatives for DMST victims in the Fort Worth/Tarrant County area.** There are few shelters for domestic violence victims and their families in Fort Worth/Tarrant County. In addition, only one adolescent shelter in Tarrant County was identified throughout the course of this assessment. Considering that Tarrant County has a population of over 1.5 million and estimates of runaway or at-risk youth in the county is 1,000 plus, more options should be made available to serve DMST victims and at-risk youth in order to keep them safe from traffickers/pimps.



## Conclusion

An overall lack of awareness of the definition and laws that criminalize DMST is a hurdle in the effective delivery of services to victims of DMST in the Fort Worth/Tarrant County area. DMST is acknowledged by those interviewed in Fort Worth/Tarrant County as an important issue; however, the absence of training protocols within both law enforcement and social service agencies and the dearth of protective shelters suggest a lack of prioritization of the crime and hints at the lack of preparedness of many agencies to respond to the special needs of victims of sex trafficking. When DMST is identified, it is frequently in the context of a delinquency offense perpetrated during the course of the exploitation. Improved and increased identification methods and practices are needed in order to access services available to victims of DMST. Services are not specialized to the needs of DMST victims but do provide some sexual trauma care and counseling.

## Methodology

This project is a Rapid Assessment (RA) of the practices and procedures used to identify and deliver services to DTMs in the Fort Worth/Tarrant County area. The larger Tarrant County area was included in this study based on the following: Tarrant County has an estimated 1.5 million residents inside 900 square miles. The city of Fort Worth covers one-third of that space and has an estimated 686,850 residents.<sup>2</sup> There are 36 additional cities within Tarrant County that depend on the social service agencies in Fort Worth to assist in serving their crime victims. In 2005, over 30 area law enforcement agencies and social service providers formed the North Texas Anti-Trafficking Task Force (NTATT). Now with approximately 40 members working together to increase the numbers of victim-centered rescues and restoration of human trafficking victims, and the NTATT serves the 54 counties of the northern district of the Attorney General's office.<sup>3</sup>

Research in the Fort Worth/Tarrant County area was conducted for Shared Hope International (SHI) by Dr. Ray Eve, Professor of Sociology at the University of Texas at Arlington; Kelli Stevens, M.A., former Adjunct Instructor of Criminal Justice at Texas Christian University; Brittany A. Smith, M.A., a former graduate student from the University of Texas at Arlington; and Dr. Robert L. Bing III, Associate Professor of Criminology and Criminal Justice at the University of Texas at Arlington. Comprehensive interviews were guided by the research instrument developed by SHI: *The Rapid Assessment Methodology and Field Interview Tool: Domestic Minor Sex Trafficking in the United States*. This field interview tool includes specialized interview questionnaires designed for specific groups of professionals who may come into contact with DTMs including law enforcement, judiciary, prosecutors, public defenders, juvenile detention staff, CPS, and NGOs. The protocol for this research is approved by the Western Institutional Review Board (Protocol #20070540).

The assessment report is based upon both qualitative and quantitative data acquired during interviews with various participants in the local juvenile justice and social service communities of Tarrant County, as well as desk research conducted on the issue. During a four-week period from April 2008 to May 2008, 29 interviews were conducted with one or more individuals from the following agencies, organizations, and special units:

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<sup>2</sup> <<http://www.nctcog.org/rd/county.asp?439>>. Accessed on May 20, 2008.

<sup>3</sup> <<http://www.fortworthpd.com/Antitrafficking.htm>>. Accessed on May 20, 2008.

- Arlington Police Department, Central Investigations
- Arlington Police Department, Homicide
- Arlington Police Department, Juvenile Unit
- Arlington Police Department, Narcotics
- Arlington Police Department, Victims Assistance
- Fort Worth Police Department, Anti-Trafficking Unit
- Fort Worth Police Department, Crimes Against Child Unit
- Fort Worth Police Department, Special Operations/Vice
- Fort Worth Police Department, Victims' Assistance Division
- Tarrant County Sheriff's Department
- Tarrant County District Attorney's Office
- Tarrant County Juvenile Services, Juvenile Detention
- Tarrant County Juvenile Services, Juvenile Probation
- Fort Worth Alliance for Children
- Safe Haven
- The Lena Pope Home
- The Women's Center of Tarrant County
- Child Protective Services

Participant interviews were generally conducted within a 1-3 hour time period with written informed consent given by the interviewee prior to the interview. If written informed consent was not attained, a Research Subject Information Sheet was presented to participants in accordance with Institutional Review Board procedures. A summary of information gleaned during the interview process along with a review of current practices of agencies involved, gaps in practices, and difficulties involved in identifying and protecting DMST victims are outlined.

The findings of the report are intended to assist, educate, and call to action local professionals, including the NTATT and the community at large, regarding identification and provision of services to DMST victims in accordance with the TVPA of 2000 and its subsequent reauthorizations.

The research team made diligent efforts to ensure the participation of as many professionals as possible. Some of these professionals were reluctant to participant. It could be that a nationally televised raid on a polygamist camp in West Texas and the subsequent removal of over 400 children from this compound, coupled with allegations of pregnant teens forced to marry older men within the camp, and the placement of some of these children in Tarrant County may have created a climate of suspicion about the research project. Additionally, a highly publicized local Fort Worth case involving teen traffickers prostituting teen girls presently being heard in court also may have contributed to the hesitancy. In addition to reluctance on the part of service providers within the Tarrant County area, the research team was not able to interview participants from federal law enforcement, the juvenile court, public defenders, and the All Church Home for Children (the only youth shelter identified in the county). These are identified as limitations in the rapid assessment findings.

# GLOSSARY OF ACRONYMS & TERMS

## Acronyms

Adjudication	Judicial determination (judgement) that a youth is delinquent
AHSP	Arlington Human Service Providers
APD	Arlington Police Department
APD VA	Arlington Police Department Victim Assistance Program
CACU	Crimes Against Children Unit
CBCAP	Community-Based Child Abuse Prevention
CFSR	Child and Family Services Review
CINS	Conduct Indicating a Need for Supervision—a non-criminal offense which includes public intoxication, truancy, running away from home, fineable-only offenses that have been transferred to a juvenile court from a municipal or justice court, inhalant abuse, and expulsion for violating a school disciplinary code
CPS	Child Protective Services
DA	District Attorney
Delinquent Conduct	Violation of any law punishable by incarceration or jail (except traffic laws), contempt of magistrate orders, and third offense driving under the influence of alcohol by a minor
DFPS	Department of Family and Protective Services
DMST	Domestic Minor Sex Trafficking
DOJ	Department of Justice
DTM	Domestic Trafficked Minor
FWPD	Fort Worth Police Department
FWPD ATU	Fort Worth Police Department Anti-Trafficking Unit
Guardian ad litem	A person that acts as the legal representative for the child who is the subject of a lawsuit. The <i>guardian ad litem</i> may be a qualified non-lawyer, such as a volunteer advocate, or a lawyer who serves in a dual role as attorney for the child and <i>guardian ad litem</i>
HHSC	Health and Human Services Commission
JJAEP	Juvenile Justice Alternative Education Program
JPO	Juvenile Probation Officer
NCTCOG	North Central Texas Council of Governments
NGO	Nongovernmental Organization
NTATT	North Texas Anti-Trafficking Taskforce
PEI	Prevention and Early Intervention
RA	Rapid Assessment
STAR	Services to At-Risk Youth
STOP	Specialized Treatment for Offenders Program
TCLEOSE	Texas Commission on Law Enforcement Officer Standards and Education
TCJDC	Tarrant County Juvenile Detention Center
TCJS	Tarrant County Juvenile Services
TCSAAC	Tarrant County Sexual Abuse Advisory Council
TCSO	Tarrant County Sheriff's Office
TJPC	Texas Juvenile Probation Commission
TVPA	Trafficking Victim Protection Act (2000)

# Background Research on DMST in the Fort Worth/Tarrant County, Texas Area

## *Federal Law*

The Victims of Trafficking and Violence Protection Act was signed into law on October 28, 2000.

This law includes two important components: the Trafficking Victims Protection Act (TVPA) and the Violence Against Women Act, both which have made great strides in providing protections for victims of heinous crimes. The TVPA (and its subsequent reauthorizations) is designed to “combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.”<sup>4</sup> The TVPA specifically outlines the definitions of victims of trafficking, including the domestic minor sex trafficking victim.

The TVPA defines sex trafficking as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act” and defines a commercial sex act as “any sex act on account of which anything of value is given to or received by any person.”<sup>5</sup> This includes monetary exchange as well as in-kind exchanges, such as food, shelter, clothing, cell phones, video games, or anything of value to any party involved. Severe forms of trafficking in persons means “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 [...]”<sup>6</sup> DMST then refers to the use of U.S. citizen or lawful permanent resident children in commercial sex acts.

This assessment focuses on the identification of DMST victims in the United States, and how this population is accessing services once they are identified. Critical elements of the TVPA include eliminating the requirement for proving force, fraud, or coercion into commercial sex acts, such as prostitution, pornography, and stripping, for victims under the age of 18, as well as not requiring actual physical movement across any geographical boundaries. It sheds light on the issue of DMST in the United States and what measures need to be implemented to deal with it forcefully and effectively. Specific terminology and definitions used in this law are implemented throughout this report and is the basis for this research.

## *North Texas Anti-Trafficking Taskforce*

In 2002, the Fort Worth Police Department investigated a major case of human trafficking after receiving anonymous letters that young Honduran women were being smuggled into the United States and forced to work as prostitutes in bars in Fort Worth. They rescued over 40 young Honduran females, some as young as 14 years old, who were being trafficked in the area by the Molina Organization (a Honduran crime organization headed by a Fort Worth family) over a period of several years. The young women and children were promised jobs as waitresses and housekeepers, but were forced to work as prostitutes in the bars on the north side of Fort Worth. Approximately 200 females between the ages of 14 and 35 had

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<sup>4</sup> Public Law 106-386, Victims of Trafficking and Violence Protection Act of 2000.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Molina Sexual Slavery Ring Sentenced in Fort Worth, Texas January 3, 2003. <[http://www.libertadlatina.org/US\\_Slavery\\_Molina\\_Case\\_Texas\\_01042003.htm](http://www.libertadlatina.org/US_Slavery_Molina_Case_Texas_01042003.htm)>. Accessed on April 16, 2008.

been victims.<sup>7</sup> The Fort Worth Police Department and 31 area law enforcement agencies together with NGOs formed the North Texas Anti Trafficking Taskforce (NTATT) in 2005 in response to the 2002 Honduran case.

#### *Fort Worth Human Trafficking Task Force*

The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) allocated funding to FWPD in 2006 for the creation of an anti-trafficking task force. A simultaneous and connected grant was provided by the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime (OVC) to Mosaic Family Services, Inc., which provides services and shelter to victims of human trafficking. Since receiving the grant, the Fort Worth Police Department has established an Anti-Trafficking division. The FWPD can utilize grant funding to investigate any cases of human trafficking, including DMST. However, grant funding for victim services is limited to foreign national victims of human trafficking brought into the United States as provided under the TVPA allocations. The funded Fort Worth Task Force is still an active member of the NTATT and has utilized its funding to aggressively move its efforts in combating human trafficking forward.

#### *Texas Law*

In September 2003, a human trafficking statute was added to the Texas Penal Code. Chapter 20A.01 defines human trafficking as to “transport, entice, recruit, harbor, provide, or otherwise obtain another person by any means.” It also defines human trafficking as “forced labor or services.” Examples of forced labor or services under this law include conduct that constitutes prostitution or other types of labor or services performed or provided by another person and obtained through an actor’s causing or threats of bodily harm, restraining or threatening to restrain, destroying or withholding a person’s government records, identifying information, or personal property, exerting financial control over that person, etc.<sup>8</sup> The current Texas statute does not align with the federal TVPA and still requires the state to prove elements of force, fraud, or coercion in these offense scenarios (see Appendix A for a full reading of the Texas human trafficking statute).

Other statutes more commonly used in Texas to prosecute “pimps,” “buyers,” or individuals who otherwise engage in conduct to facilitate minors being used in commercial sex acts include Chapters 21, 22, 33, and 43 of the Texas Penal Code: Sec 21.02 Continuous Sexual Abuse of a Young Child or Children, 21.11 Indecency with a Child, 22.011 Sexual Assault of a Child, 22.021 Aggravated Sexual Assault of a Child, 33.021 Online Solicitation of Minor, 43.02 Prostitution, 43.03 Promotion of Prostitution, 43.04 Aggravated Promotion of Prostitution, 43.05 Compelling Prostitution, 43.25 Sexual Performance by a Child, 43.251 Employment Harmful to Children, and 43.26 Possession or Promotion of Child Pornography.

#### *Media Review*

There was a profound lack of media reports in the Fort Worth/Tarrant County area on the arrests, prosecutions, and convictions of DMST (i.e. exploitation of children through pornography, prostituted children, and stripping). The *Fort Worth Star Telegram* was contacted to help identify media reports; however, no response was received. Similarly, a thorough Internet search of such reports yielded little results. Therefore, archived news stories found on local television stations along with general Internet searches for the Fort Worth area and review of law enforcement agency press releases were conducted using terms such as child prostitution, child prostitute, child pornography, child sex abuse victim, child sexual abuse, prostitution, prostitution ring, sex trafficking, teen pimps, and adult industry.

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<sup>8</sup> Texas Penal Code, Chapter 20A.01 and 20A.02.

At the time of the assessment, the Tarrant County Sheriff's Office (TCSO) website did not have press releases posted. Similarly, the Fort Worth Police Department's website did not have regular press releases posted. FWPD does maintain a webpage entitled "John TV" on which the mug shots of persons arrested for prostitution, promotion of prostitution, aggravated promotion of prostitution, indecent exposure, and public lewdness are posted for ninety days. However, these arrests generally do not involve victims identified as minors, as those would constitute different charges, as mentioned in the previous section. The Arlington Police Department (APD), the other major law enforcement agency in Tarrant County, posted on the website both press releases dating back to June 2001 and a similar "John TV" webpage that displays the mug shots of adults arrested for prostitution for 180 days. Many of the press releases posted by APD dealt with sex offenders and identification of sexual assault suspects, but did not specifically relate to the issue of DMST.

The major print news publication in Tarrant County is the Fort Worth Star Telegram, while a smaller publication, the Fort Worth Weekly, also is available. It is not uncommon for residents of Tarrant County to also subscribe to the Dallas Morning News as Dallas, Texas is less than 22 miles from Fort Worth. The two communities are referred to as the Dallas/Fort Worth Metroplex. For purposes of this study, the Dallas Morning News was not reviewed in the media review as this assessment was recently implemented in Dallas by Shared Hope International under the same grant from the U.S. DOJ, Bureau of Justice Assistance.

Due to the difficulties in identifying articles in the local papers, the Internet search for newspaper articles was expanded to include reports from any newspaper about child pornography, child prostitution, and stripping in Fort Worth with exception to the Dallas Morning News. Fort Worth Star Telegram contained one article relating to child pornography. In August, 2001, over 100 users of child pornography sites were arrested across the nation, 15 of them in the North Texas area. The investigation of these child pornography website users actually began in 1999 after a husband and wife, Thomas and Janice Reedy, were arrested in Fort Worth. The Reedys operated an Internet porn business; in its early stages of operation, it offered only adult pornography, but eventually came to offer access to child pornography websites. The couple's business, Landslide Productions, made almost \$10 million in two years. They lived in a \$500,000 house and drove Mercedes sports cars. During the raid of their home, the police discovered a computer that included a customer list of over 300,000 people in 37 states and 60 countries.<sup>9</sup>

An extensive investigation into the customers of Landslide Productions, by both federal and local officials, generated 144 searches in 37 states and an international investigation in five countries. Landslide Productions offered access to such child pornography sites entitled "Cyber Lolita," "Child Rape," and "Children Forced to Porn."<sup>10</sup> Individuals arrested included a range of citizens from the affluent to the poor.

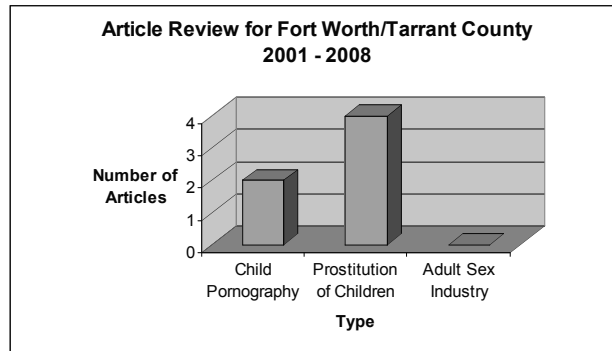
An additional article regarding child pornography with relevance to Fort Worth was found in the New

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<sup>9</sup> "Landslide: Profile of a Pornographer." Canadian Broadcasting Centre, November 5, 2003.

<sup>10</sup> T. Heinzl and M. Recio. "100 users of child porn sites arrested; Nationwide sting nabs 15 in N. Texas." Fort Worth Star Telegram. August 9, 2001, p.1.

<sup>11</sup> R. Blumenthal. "Boy Scouts Executive Surrenders in Fort Worth on a Child Pornography Charge." New York Times, [http://www.nytimes.com/2005/03/30/national/30scout.html?\\_r=1&adxnnl=1&oref=slogin&adxnnlx=1215086496-rGJzuo7Uk-5tcN3C7TYUdAg](http://www.nytimes.com/2005/03/30/national/30scout.html?_r=1&adxnnl=1&oref=slogin&adxnnlx=1215086496-rGJzuo7Uk-5tcN3C7TYUdAg). Accessed on July 3, 2008.



York Times. Boy Scout leader, Douglas Smith, Jr., age 61, was prosecuted by federal authorities for distributing child pornography in Fort Worth. His arrest was the result of Operation Predator headed by the Department of Homeland Security's Immigration and Customs Enforcement (ICE) division. Smith, ironically, was the program director and chairman of the Boy Scouts' Youth Protection Task Force.<sup>11</sup>

Regarding the prostitution of children, seven news reports were found on local television stations' websites, though four were related to the same incident which occurred in January 2008. This situation involved a "teen prostitution" ring in which members of the local Varrio Central gang would allegedly befriend and supply drugs to minors, and then beat and gang-rape young runaway girls to force them into prostitution. The teen traffickers/pimps would visit various apartment complexes to sell the young girls for sexual purposes for a fee ranging from \$40-\$60. Two young men, ages 17 and 19, were arrested, along with two other male suspects under the age of 17 and one female gang member, age 15. FWPd rescued a 14-year-old girl late one night when a storeowner paid the gang members to have sex with the girl; it was later discovered he was a regular buyer from these teen pimps. The buyer was charged with aggravated kidnapping, engaging in organized criminal activity, and prostitution. A variety of state charges were sought against the underage traffickers/pimps, some being charged with engaging in organized criminal activity, aggravated kidnapping, compelling prostitution, and trafficking of a person.<sup>12</sup> The underage gang members were ordered to remain in juvenile detention, and recently a hearing was held to determine whether to certify two of the minor suspects as adults. One of the gang members was "no billed" by a grand jury, meaning he was not indicted. An arrest of two adults in August 2007 proved later to be related to the teen prostitution ring.

On August 25, 2007, a 33-year-old female was arrested by FWPd for compelling prostitution when she was found driving around a neighborhood asking men if they wanted to have sex with a 14-year-old girl for \$50. The female suspect later told police "she was pimping the girl as a favor to one of the teenage suspects [in the DMST case mentioned above] who had intervened when a man harassed her."<sup>13</sup> A 32-year-old male was arrested for having sex with the girl and charged with sexual assault of a child, a second-degree felony.

A Fort Worth police officer was charged with having sex with a 16-year-old DMST victim while on duty. A jury acquitted him in the summer of 2005. The District Attorney's office cited problems with the case, such as difficulty finding the girl's trafficker/pimp and an adult prostitute who witnessed the incident, as reasons for the acquittal.<sup>14</sup>

Several articles were found in the *Fort Worth Star Telegram* regarding a 15-year-old female DMST

<sup>12</sup> "Prostitution ring involved 14-year-old girl, police in Fort Worth say." WFAA Staff Reports. January 7, 2008. <<http://www.dallasnews.com/>>. Accessed on April 17, 2008.

<sup>13</sup> Alex Branch. "Testimony details Fort Worth teen's world of drugs and prostitution." *Fort Worth Star Telegram* May 23, 2008.

<sup>14</sup> M. McDonald. "Jury Clears Police Officer of Sex Charge." *Fort Worth Star Telegram*, June 10, 2005. pg. 1B.

victim labeled as a “pregnant runaway prostitute” and a “15-year-old pregnant drug addict.” The articles discussed the child being sentenced to two years probation, being ordered to drug treatment, and continually running away from treatment facilities. The District Attorney’s Office expressed no surprise that she had run away from a Dallas treatment facility. After she was apprehended, she was ordered to a high-security treatment facility in West Texas. The judge who ordered her to the treatment facility admonished the girl for her behavior saying, “I hope you will come to understand the danger in which you placed yourself and your unborn child.”<sup>15</sup>

Both the newspaper title as well as the judge’s quote is important as it reveals the often unfavorable view of DMST victims as products of their own making – labeled and held accountable for the crime committed against them.

Adult entertainment/services, including strip clubs, massage parlors, and “adult” advertisements were examined. A partial listing of local strip clubs was found on [www.stripclublist.com](http://www.stripclublist.com). The website listed 22 clubs in Fort Worth and Arlington alone, not counting the other 35 cities in Tarrant County. The *Fort Worth Weekly* and the *Greensheet* included ads for body scrubs and rubdowns, jet tub body washes, connections to local singles via telephone during which “anything can happen,” massages by young Asian girls, and suggestive advertisements featuring photos of scantily clad women stating they could provide “unforgettable” experiences and indulge their customers. According to the TVPA, any minor involved in these commercial sex venues where commercial sex acts are sold can be a victim of DMST.

#### *Abuse and Neglect of Children and At-Risk Populations*

During the course of compiling the desk review materials, information was obtained on various important community issues, such as the abuse and neglect of children and services for at-risk youth in Arlington (a major city in Tarrant County). These reports demonstrate not only the prevalence of factors possibly associated with DMST, but also reveal the level of concern and promising practices of community professionals in addressing DMST-related issues.

A local association called the Arlington Human Service Planners (AHSP) is “an organization funded by the United Way and the city that assists in the research, planning, and implementation of health and social service needs of Arlington. It focuses on identifying emerging human service needs and facilitating citizen involvement in developing strategies to meet these needs which may range from early childhood diseases to elder care and teen pregnancy to employment issues.”<sup>16</sup> The AHSP has conducted several important research studies related to at-risk children. In 2005, a report was published on the Homeless Youth Task Force findings for the city of Arlington, Texas, in conjunction with the University of Texas at Arlington School of Social Work. The goal of the Task Force was to “identify achievable and sustainable recommendations to address the homeless youth issue in Arlington,”<sup>17</sup> including the creation of a fully funded drop-in/outreach center and an emergency shelter.

Several key findings emerged from the Task Force efforts:

- Arlington Independent School District reported working with over 2,000 homeless students during the 2004-2005 school year, including elementary Grades K-8 (1,731) and secondary students Grades 9-12 (693).
- APD reported 974 runaways for the year 2004 (ages 10-16); however, numbers are duplicated and could mean that one child with multiple incidents of running away was counted more than once.

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<sup>15</sup> B. Teeter. “Pregnant teen ordered to detention facility.” Fort Worth Star Telegram. September 2, 2004. Northeast p. 6B.

<sup>16</sup> <[http://www.ci.arlington.tx.us/cityhall/qna\\_health.html](http://www.ci.arlington.tx.us/cityhall/qna_health.html)>. Accessed on April 14, 2008.

<sup>17</sup> “Report on Homeless Youth Task Force.” 2005. <<http://www.unitedwaytarrant.org/home/InsideUnitedWay/source/HomelessYouth%20Report%20Final.pdf>>. Accessed on April 14, 2008.



- The Bridge adolescent shelter, a program of All Church Home for Children, reported serving 54 children, ages 10-17, who were mostly brought to the shelter by CPS; the Bridge has 16 beds.
- CPS places approximately 150 teens per month in different parts of the state due to lack of bed spaces in Tarrant County.
- All Church Home for Children served 509 youth in 2004.

#### *Child Protective Services*

Child Protective Services (CPS) in Texas falls under the umbrella of the Texas Department of Family and Protective Services (DFPS), which in turn is part of the Texas Health and Human Services Commission (HHSC). CPS provides child welfare programs to 254 counties in the state, including investigating reports of child abuse and neglect in homes, providing services, such as parenting classes and counseling to families, foster care services, assisting youth in foster care transition to adulthood and independent living, and placing children in adoptive homes.

In 2003 and 2004, tragedies occurred in several families that had previously been under investigation by CPS. The system was in terrible need of reform, and Governor Rick Perry issued an executive order to HHSC to review and reform DFPS. Subsequently, emergency legislation was passed in 2005 and funding was allocated to address the serious inadequacies within the system, such as high caseloads and poor quality of work, staff burnout, turnover rate, and failure to follow policies and procedures.<sup>18</sup> In 2007, Senate Bill 758 was passed requiring the continuation of CPS reform.

Significant changes that have occurred within DFPS since the year 2004 include increased staff to reduce caseloads, improved training, better tools to increase job performance and client outcomes, such as new and innovative technology (tablet personal computers), random inspections of all family and foster care homes, as well as updated risk assessments. Also, CPS has developed various programs to strengthen the success of kinship placements, including monetary assistance to families, child care resources, Medicaid up to age 21 for children aging out of care, and a new managed care model is currently being implemented for quality healthcare services for children in foster care.<sup>19</sup>

In addition to the 2005 Homeless Youth Task Force findings, AHSP conducted another study in 2006 focusing on child abuse and neglect in Arlington and Tarrant County. Some disturbing facts emerged from this report. CPS reported there were 3,779 confirmed cases of child abuse and neglect in the county for fiscal year 2005. The total child population of Tarrant County is 444,758. Additionally, sexual abuse cases have increased for the city of Arlington over the last several years.

**Summary of CPS Investigations in Texas for 2005**

	Child Population	Confirmed Victims of Child Abuse or Neglect	Confirmed Victims per 1,000 Children	Total CPS Completed Investigations	Confirmed CPS Investigations	% Investigations Confirmed
Tarrant County	444,758	3,779	8.5	11,216	2,442	21.8%

<sup>18</sup> "The Child and Family Services Review." <[http://www.dfps.state.tx.us/Documents/Child\\_Protection/pdf/2008-01-24\\_CFSR\\_Statewide\\_Assessment.pdf](http://www.dfps.state.tx.us/Documents/Child_Protection/pdf/2008-01-24_CFSR_Statewide_Assessment.pdf)>. Accessed on May 11, 2008.

<sup>19</sup> Ibid.

State Wide	6,277,205	61,433	9.8	160,069	38,522	24.1%
% Tarrant County to State	7.1%	6.2%	—	7%	6.3%	—

(Source: Management and Reporting Statistics, TDFPS, 2005)

The end result of this study was that the Task Force recommended improving “primary prevention efforts that focus on the perpetrators of neglect in order to reduce the frequency of occurrence, developing a ‘Children’s Bill of Rights,’ and launching a public awareness campaign along with establishment of a family support program.”<sup>20</sup>

Taken together, media reports, along with the reports identified above point toward a population of minors at risk for becoming victims of DMST in the Fort Worth/Tarrant County area.

#### *Texas Juvenile Justice System*

Texas state law requires each county to have a juvenile board that consists of district and county judges responsible for management and operation of the juvenile justice system in that county. The law also defines a juvenile as a child between the ages of 10 and 16; therefore, the age a young person can be charged with an adult offense is 17. The entire juvenile system in the state is governed by the Texas Juvenile Probation Commission (TJPC), which publishes a report each year about juvenile services activity.

“The State of Probation Activity in Texas” report published in September 2007 by TJPC revealed a steady decrease in youth referred for status offenses (also included in a category called Conduct Indicating a Need for Supervision (CINS)), which include behaviors such as running away, truancy, and minor in possession of alcohol. These types of behaviors are typically associated with at-risk youth who are prime targets for DMST. No specific data was offered in this report regarding the number of youth referred for prostitution. The report also indicated that statewide in 2005, females committed 25% of all delinquent offenses and 44% of all CINS offenses.

#### **Referrals by Offense Type, 2002-2005**

	2002	2003	2004	2005
Delinquent Offense Referrals	72,005	73,850	74,359	71,907
Felony Offense Referrals	23,036	22,447	23,205	22,350
Misd. Offense & Cont. of Justice/Municipal Court Referrals	48,969	51,403	51,154	49,557
Violation of Probation Referrals	13,397	13,273	13,976	13,596
CINS Referrals	20,508	20,215	19,459	16,870
Status Offense Referrals	14,415	13,943	13,807	11,595
Non-Status CINS Offense Referrals	6,093	6,272	5,652	5,275
<b>Total Referrals</b>	<b>105,910</b>	<b>107,338</b>	<b>107,794</b>	<b>102,373</b>

(Source: Annual Activity Report. “The State of Juvenile Probation Activity in Texas, Calendar Year 2005.” Texas Juvenile Probation Commission.)

<sup>20</sup> “2006 Report on Child Abuse and Neglect in Arlington.” <<http://www.unitedwaytarrant.org/home/InsideUnitedWay/source/CANTF%20REPORT%20FINAL.pdf>> Accessed on April 14, 2008.

<sup>21</sup> “Court of Criminal Appeals Judicial and Court Personnel Training Program: Rules of Education.” <<http://www.yourhonor.com/pdfs/rules2005.pdf>>. Accessed on May 10, 2008.

Juvenile Court Judges are required “before taking office or within one year of taking office, to complete 30 hours of instruction in the administrative duties of office and substantive, procedural, and evidentiary laws unless he/she has previously complied with this rule” and must complete 16 hours each fiscal year thereafter.<sup>21</sup>

Several judicial associations provide trainings throughout the year on a variety of topics/issues. The County Judges & Commissioners Association of Texas provides trainings on topics such as leadership skills, legislative issues, and county government.<sup>22</sup> The Juvenile Justice Association of Texas (JJAT) is another organization that offers conferences and trainings on topics such as ethics and standards in juvenile justice, abuse and neglect of children, pre-adjudication detention, etc.<sup>23</sup> It could not be ascertained whether juvenile judiciary has received specific training on DMST. Interestingly, three of the four Tarrant County juvenile judges have a background working with CPS.

## Research Findings

The crime of domestic minor sex trafficking (DMST) is codified in the federal Trafficking Victims Protection Act of 2000 (TVPA) and subsequent reauthorizations, defining a DMST victim as a U.S. citizen or lawful permanent resident who has been recruited or obtained for the purpose of a commercial sex act (a sexual act performed in exchange for something of value).

This assessment report provides an understanding of the magnitude of DMST. The assessment also investigates how victims of DMST are being identified and the delivery of and access to services to this victim population. The findings are presented in a framework of prevention, prosecution, and protection. This research includes best practices of agencies and professionals coming into contact with at-risk and exploited children, gaps and challenges in current practices, and recommendations.

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<sup>22</sup> <<http://www.cjcat.org/assoc/cms>>. Accessed on May 20, 2008.

<sup>23</sup> <<http://www.jjat.com/>>. Accessed on May 20, 2008.

# I. PREVENTION

The first stage in addressing the phenomenon of DMST is identifying victims. Frontline personnel, such as law enforcement officials, social service providers, and juvenile services staff must receive adequate training on the variables that contribute to this crime. They must demonstrate an awareness of these signs when coming into contact with at-risk youth who could be potential victims of DMST.

## 1.1 LAW ENFORCEMENT

Several law enforcement agencies are represented in the assessment report, including Arlington Police Department (APD), Fort Worth Police Department (FWPD), and Tarrant County Sheriff's Office (TCSO). Though due diligence was given, no federal law enforcement official participated in the study. Tarrant County is a large metropolitan area with 36 cities within its borders. There are three main law enforcement agencies, as noted above, all with varying organizational structures and divisions.

APD has a specific unit that handles cases involving juvenile offenders and responds to any DMST case. FWPD and TCSO do not have designated units for juvenile cases; any officer (or division) who responds handles these cases. However, FWPD has an Anti-Trafficking Unit (ATU) that was created late in 2006 as a result of receiving a BJA grant to create a human trafficking task force.

**1.1.1 Training.** There are several law enforcement training academies in the Fort Worth/Tarrant County area. One major training academy is the North Central Texas Council of Governments (NCTCOG) Regional Police Academy, which is used by various smaller police departments or agencies that do not have their own academy in addition to larger law enforcement entities. NCTCOG's Basic Course in Applied Police Science is a 618-hour course with a variety of sessions. The Basic Course does not include a specific identifiable human trafficking course in their curriculum (see Appendix B), although human trafficking may be covered during review of the Texas Penal Code.

Law enforcement interviewees from APD, FWPD, and TCSO indicated that some officers in their agencies have received a small amount of DMST training. The funding for the small pockets of training that was identified by the research team comes from human trafficking task force grants, the NTATT, and the U.S. Attorney's Office.

APD has had at least four of their officers receive training on DMST from the U.S. Department of Justice (DOJ) within the last year. Two interviewees from the FWPD's Crimes Against Children Unit (CACU) had recently received an eight-hour training session on human trafficking, including DMST, taught by the FWPD ATU. An interviewee from TCSO stated that two detectives in a division of 20 have received specialized training on human trafficking and DMST sponsored by the U.S. Attorney's Office in Dallas, Texas.

Members of the FWPD ATU have attended numerous trainings and conferences regarding the identification of DMST victims. Two interviewees from FWPD ATU indicated they have attended national conferences sponsored by DOJ and regional conferences, as well as regularly attending various symposiums and panels on trafficking. FWPD ATU also initiated a Tarrant County Human Trafficking section of the NTATT at which law enforcement agencies and service providers meet monthly to share ideas and information on human trafficking in the Fort Worth area. Due to the large geographic region covered by the NTATT, FWPD ATU found it beneficial to create the Tarrant County Human Trafficking Taskforce to address specific needs of the western half of the Metroplex region. This group was designed to allow federal, state, and local law enforcement officers—and Tarrant County service providers—the opportunity to meet with one another on a consistent basis and develop a rapport so that all parties involved are familiar with one another when a crisis occurs.

The grant from BJA requires FWPD ATU to conduct training sessions on human trafficking. FWPD ATU has provided training on DMST victim identification and services to front line police officers, regional police academy recruits, juvenile detention officers and officials, various social service agencies, church groups, special interest and community groups, animal control officers and officials, and code compliance officers and officials. The training is voluntary and consists of three classes totaling eight

hours. The content of the training includes information about the federal TVPA 2000, Texas human trafficking statutes, definitions of smuggling and trafficking, insight into victim experiences, how to identify the signs of DMST victimization, and what to do if a DMST victim is encountered. Patrol officers who volunteer for the training are specially trained in the identification of DMST “hot spots,” and they are instructed to contact the FWPD ATU program coordinator or officer immediately if they suspect they have encountered a juvenile exploited through prostitution. According to the program coordinator who provides the training and public education, the training classes are always at capacity and there is high interest in receiving training about DMST victim identification and service. Nevertheless, the trainings are voluntary and the information is not reaching all police personnel.

FWPD ATU’s training curriculum is similar to the human trafficking training provided to peace officers during Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training. FWPD ATU’s eight-hour training classes for law enforcement personnel include the following information: (1) definition of human trafficking, (2) differences between trafficking and smuggling, (3) human trafficking statistics, (4) what traffickers do to lure victims, (5) victim experiences, (6) how police officers can quickly develop rapport with potential victims in order to elicit relevant information, (7) how police officers can make a trafficking report, and (8) how FWPD ATU and NTATT work together. Classes are also shown a video explaining DMST produced by Shared Hope International as part of the training curriculum.

In addition to the above trainings, some law enforcement officers that work Internet crimes (i.e., child pornography, online solicitation of a minor) have opportunities to attend trainings sponsored by the Internet Crimes Against Children (ICAC) Task Force. Some of these trainings include the ICAC and Crimes Against Children (CAC) annual conferences in Dallas, Texas, which is sponsored by the ICAC Task Force, Fox Valley Technical College, Dallas Children’s Advocacy Center, and the Dallas Police Department.

**1.1.2 Public Education.** FWPD ATU is the only one of the three major law enforcement agencies interviewed that conducts public education and awareness campaigns on DMST. These campaigns are carried out by giving presentations on human trafficking at conventions, meetings, fairs, churches, charities, and festivals. Some of this training is specific to DMST. For example, FWPD ATU set up a booth at a local Halloween festival to raise awareness and educate the community on human trafficking and how to identify when it may be occurring. The officer encouraged citizens to call a hotline set up by FWPD ATU to ask questions or to report suspected human trafficking. As one example, the officer advised citizens to call the hotline if they noticed 15 or 20 “young-looking” females living in one house together. The officer states the hotline receives greater call volume after each public education presentation.

FWPD ATU has also established a separate webpage on FWPD’s website that provides information and resources on human trafficking, and offers contact information to ask questions or report suspected human trafficking.<sup>24</sup> FWPD ATU dedicates a large percentage of their time to training and public education on human trafficking, though the training includes DMST, a majority of the information provided is specific to the trafficking of foreign nationals.

Neither APD nor TCSO interviewees identified program initiatives that were directly related to educating the public about the crime of DMST. APD Victims Assistance (APD VA) works with the child victims of sexual exploitation performing crisis interventions and making referrals to service

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<sup>24</sup> <<http://www.fortworthpd.com/Antitrafficking.htm>>. Accessed on May 20, 2008.

providers within the community. Still, APD VA is mostly reactive in nature; there are no programs designed to prevent DMST and prevention is not a priority of the unit.

**1.1.3 Identification.** FWPD ATU is in the process of establishing a protocol for the identification of DMST victims by frontline law enforcement officers, but there is currently no written, formal protocol. One interviewee stated he has been trained to determine victimization before looking at criminal offense. Other frontline officers are also being trained by FWPD ATU to ask relevant questions to establish a minor's victimization, including questions regarding prior victimization within the home and family. The officers have been instructed to contact the ATU to respond to the scene if there are indicators of DMST. According to one interviewee, information sharing is taking place between patrol officers and the FWPD ATU. However, training has not reached all frontline officers in the department, and many officers do not yet ask questions about a minor involved in prostitution to identify victimization or to contact the ATU to respond.

According to one interviewee, FWPD ATU has trained call responders at 9-1-1 and Crime Stoppers to ask callers specific questions relevant to their victimization status. The call responders have been trained to relay this information to ATU for follow-up. If call responders have a reasonable suspicion, callers are asked questions regarding human trafficking victimization, and if they are minors, they are asked questions regarding DMST victimization and questions relating to victimization in the home. Examples of specific questions asked over the phone were not provided; however, according to interviewees, the questions appear general in nature and pertain more to issues of domestic violence and, perhaps, sexual victimization in the home.

At the time of this assessment, six DMST victims had been identified in Fort Worth, Texas and the resulting investigations were handled by FWPD's ATU, which was established in September 2006. According to FWPD ATU interviewees, the majority of DMST victims were found through investigating a sexual assault of a minor report or prostitution charges. Two DMST victims were identified when their pictures were posted as "escorts" on the Internet.

According to FWPD interviewees, five of the six DMST victims identified since September 2006 have been Caucasian females. One victim was Hispanic or of mixed-Hispanic heritage. All of the victims were from Texas, and most were local to Tarrant County. The average age of entry into prostitution was 14.2 years old; the average age of rescue was 15.3 years old. All six of the DMST victims identified were runaways. They all came from single-parent homes or from families with step-parents. Some of the victims' parents and/or other close relatives were involved in drug use and the minors had been exposed to this drug use while growing up. All victims have been identified as having pimps.

One FWPD ATU interviewee stated that she reads the local paper and other news reports daily and looks for headlines such as "Minor Being Pimped" or "Juvenile Prostitution." She then does more research and contacts those individuals or agencies involved in the case/story to investigate further the potential for DMST. This FWPD ATU interviewee indicated she first encountered the Fort Worth juvenile prostitution ring in January 2008 when scanning local newspapers. She then contacted the FWPD Crimes Against Children Unit (CACU) detectives working on the case and they collectively determined this was a DMST case. The ATU has since been working on the case with CACU. The investigation resulted in a January 2008 case in which at least five juveniles were found to be trafficking/pimping other juveniles (at least five juvenile victims) in Fort Worth. Two of the juvenile suspects were certified as adults and three remain in the juvenile system. At least two adult buyers were also taken into custody.

Law enforcement interviewees indicated the primary challenges in identifying DMST victims include the victims' reluctance to self-identify as victims or to be identified and treated as victims. The victims often do not refer to their trafficker/pimp as an exploiter, but rather as a "boyfriend." Moreover, victims tend to feel isolated, do not seek out help, and are likely to hold an adversarial opinion of law enforcement. However, interviewees stated that there is presently a paradigm shift occurring in which chronic runaways and prostituted children are identified as victims instead of delinquents. This is believed to be due to the fact that people are becoming more sensitive to the victimization of these minors due to greater public awareness and specialized units within law enforcement.

In contrast, a different law enforcement interviewee stated he believes more minors are presently identified as delinquents rather than as victims due to the fact that the majority of DMST victims are runaway children. As a result, the minors end up associating with other runaways and encounter delinquent companions and traffickers. Their associations with delinquent and criminal companions often lead to their misidentification or mislabeling as delinquents rather than as victims.

Identification of victims in child pornography cases is also very challenging. Identifications of children in the photos or videos are often made by relatives or friends who report the crime to law enforcement. The ICAC Victim Identification Lab in conjunction with the National Center for Missing and Exploited Children (NCMEC) can be a valuable resource for identifying unknown minors used in child pornography and both have been used in Fort Worth. The Fort Worth CACU unit has trained officers who identify minors and adults in child pornography. The identification of child pornography victims can also facilitate the identification of prostituted children due to the prevalence of traffickers/pimps utilizing the Internet to facilitate the crime. In addition, children victimized through pornography also qualify as DMST victims if those images or videos are traded or sold for something of value.

APD interviewees indicated there is a special Juvenile Unit within their agency tasked with the identification of suspected DMST victims. DMST victims generally are identified by patrol officers or referred to the police department by CPS. Other referrals come from school officials and parents. However, since only four officers within the department have received specific training on this subject, it is possible that many patrol officers are not identifying these victims. It is also worth noting that APD did not have any statistics on the number of children arrested for prostitution as it is their intent not to label these children as criminals, but rather treat them as victims.

Possession of fraudulent identification by DMST victims is typically provided by their trafficker/pimps in order to evade the likely detention of a minor involved in prostitution. Fingerprints and photographs from a variety of sources, such as school yearbooks and child ID programs, are used to determine the identity of juveniles presenting false documents to law enforcement.

An APD Victims Assistance Division interviewee indicated that, quite often, the DMST identification was made by law enforcement officers. It also might be revealed subsequent to a referral from a concerned school principal or school counselor. The age range of the referrals is between 12 and 16. APD VA officials do not have specific protocols for identification of DMST. It was emphasized that APD VA was tantamount to emergency crisis intervention followed by referrals for short or long-term care. Lastly, there is no special funding from APD designated for DMST.

**1.1.4 Obtaining Custody.** There are no custodial issues for the police regarding juvenile offenders. Typical responses are to transport the juvenile to Tarrant County Juvenile Detention Center, to notify CPS, or to release the minor to a guardian.



**1.1.5 Gang Activity.** Fairly extensive gang involvement in the commercial sexual exploitation of minors in the Fort Worth area was noted. Rival gangs have been documented to be recruiting, training, and trafficking/pimping minors. It is often the case that one gang, typically made up of both adult and juvenile members, is in charge of recruiting minors from malls, schools, parties, and through acquaintances. Another gang is then tasked with putting the minors through a two-week “boot camp” training process in which the minors are taught how to perform sex acts and are effectively brainwashed and taught what to say to law enforcement if they are apprehended. The sophistication of the trafficking was noted, as there are even Field Training Officers within the gangs. Multiple law enforcement agencies have indicated DMST is an extremely lucrative “business venture” for gangs and they are able to put their rivalries aside for the sake of the enormous profits to be gained.

## 1.2 PROSECUTION

**1.2.1 Training.** Interviewees from Tarrant County DA's office have received little formal, specialized training in the identification of DMST victims or how to provide victim-centered prosecutions. Participants did indicate receiving informal "on-the-job" training through their work with police detectives investigating DMST cases. Prosecutors do not currently provide training on DMST victim identification to other professionals or the public.

**1.2.2 Identification.** Few DMST victims are being identified as such by Fort Worth/Tarrant County area prosecutors. Although the prosecutors interviewed for this project have each worked on at least one DMST case, they were only "vaguely familiar" with the TVPA and with the term "domestic minor sex trafficking victim." One prosecutor suspected "a few" cases involved DMST but could not definitively prove the crime and human trafficking charges were not brought forth.

Prosecutors interviewed for this research indicate that one of the greatest challenges in identifying DMST is encouraging the victims to come forward and reveal their victimization. DMST victims often feel guilty or are too embarrassed to come forward. Many victims are afraid they will get in trouble for their involvement in prostitution or drugs.

## 1.3 JUVENILE JUSTICE SYSTEM

The mission of Tarrant County Juvenile Services (TCJS) is “to prevent delinquent conduct and to provide for the care and rehabilitation of children under the jurisdiction of the Tarrant County Juvenile Court.”<sup>25</sup>

**1.3.1 Training.** Juvenile probation officers (JPO) and juvenile detention officers (JDO) in the state of Texas, after their initial certification, are required to complete “a minimum of 80 hours of continuing education in coursework topics that are related to job responsibilities, the field of juvenile justice, or fields of study approved by Texas Juvenile Probation Commission (TJPC).”<sup>26</sup> None of the interviewees from either profession has received specific training regarding DMST; however, some did recently receive special training provided by FWPB ATU on sex trafficking in general. All interviewees have had extensive training in general issues of sexual abuse of children.

**1.3.2 Intake.** Minors ages 10-16 generally reach TCJS through arrests and referrals made by the police and occasionally through discretionary referrals by staff from local schools. TCJS handles Class A, B, and C misdemeanors up to the most serious felonies (see Appendix D for classification of offenses).

The Texas Administrative Code Title 37 states the TJPC Standard Screening Tool shall be administered to a juvenile referred to probation within 14 days of the first face-to-face contact between the juvenile and a JPO, but not through the detention facility, or on each resident admitted into detention within 48 hours. During the intake/screening process, several types of assessments are utilized. The Massachusetts Youth Screening Instrument—Version 2 (MAYSI-2) is used for the purpose of identifying youth who may have mental health needs. Additionally, a pre-intake general medical/health screening for minors entering the detention center is completed which includes a voluntary test for sexually transmitted diseases (STDs), suicide risk, dental and vision issues, substance abuse, and possible physical trauma. None of these screenings are used to determine if the juvenile will be detained, but rather determine services required for the juvenile.

At the detention stage in juvenile justice processing, an intake officer typically reviews the cases and decides whether to detain or release the juvenile prior to their hearing. In Texas, as in other states, a juvenile may be held in detention after intake for two working days before being brought before a judge or referee. A referee is an individual appointed by a court to handle juvenile hearings, including detention hearings, when a juvenile court judge is unavailable. The referee does not have to be a judge, but must be a licensed attorney in Texas. The judge may later accept or decline the referee’s recommendations. While in detention, a juvenile is brought before a judge or referee who determines if continued detention is warranted or if a juvenile will be placed in (protective) custody or released (often to parents) pending adjudication and disposition of a case.<sup>27</sup>

**1.3.3 Identification.** DMST victims are usually identified based on the type of arrest or charge for which they have been referred to juvenile services. Since 2000, TCJS has identified 25 youth who could be considered DMST victims. These minors were brought into the juvenile justice system on referrals for “prostitution of self”—in contrast to the crime of “prostitution of others.” Statistics provided by TCJS staff indicated ten additional juveniles detained for varying offenses, such as possession/promotion of

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<sup>25</sup> <<http://www.tarrantcounty.com/eJuvenile/site/default.asp>>. Accessed on May 10, 2008.

<sup>26</sup> <[http://www.tjpc.state.Texas.us/about\\_us/divisions/training/Default.htm](http://www.tjpc.state.Texas.us/about_us/divisions/training/Default.htm)>. Accessed on May 10, 2008.

<sup>27</sup> “Juvenile Justice in Texas: Factors Correlated with Processing Decisions.” April, 1997. Public Policy Research Institute, Texas A&M University. <<http://ojjdp.ncjrs.org/dmc/pdf/texasojjdpmainreport.pdf>>. Accessed on May 17, 2008.

child pornography, sexual performance of a child, and promotion of prostitution—all charges which could mask a victimization through DMST (see Appendix E).

During the intake process, juveniles may reveal a history of sexual abuse; however, there are no specific questions relating to commercial sexual exploitation of the child.

**1.3.4 Pre-adjudication services.** TCJS operates a pre-adjudication detention facility in which the maximum length of stay for a juvenile is 11 days. The facility has 88 bed spaces and serves as a temporary facility to house juveniles with pending court appearances for law violations. “The goal of the center is to provide supervision, activities, and counseling that will benefit these children during their stay. To that end, each child is screened for identification of emotional and mental health concerns. All children admitted to detention receive educational, medical, counseling, physical education, and recreational services.”<sup>28</sup>

If a juvenile in the detention center discloses details of prostitution, this information will be given to the proper law enforcement officials, and possibly CPS if the suspect(s) is alleged to be a family member.

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<sup>28</sup> <<http://www.tarrantcounty.com/ejuvenile/cwp/view.asp?A=737&Q=427724>>. Accessed on May 12, 2008 from Tarrant County's Official Website.

## 1.4 CHILD PROTECTIVE SERVICES (CPS)

**1.4.1 Training.** CPS caseworkers are required to have a Bachelor's degree (social work or human services degree is preferred) and participate in an initial five-week classroom academy. However, the *Protecting Texas Children: Final Report in Response to Governor Rick Perry's Executive Order to Reform Child Protective Services Program*, 2005 recommends expansion of caseworker/investigator training. Specifically, the report asserts caseworkers need additional training in forensic interviewing and evidence gathering techniques and the five-week training academy should be expanded to 12 weeks.<sup>29</sup>

The two interviewees from CPS interviewed for this project stated they had never received any specific training for DMST but had extensive training in topics relating to sexual abuse of children, including information about children that may be exploited through prostitution.

**1.4.2 Public Education.** The Prevention and Early Intervention (PEI) division of CPS contracts with local community-based programs to provide prevention and education services. Some of the organizations in the Fort Worth/Tarrant County area that contract with CPS for PEI include All Church Home for Children, Big Brothers and Big Sisters of North Texas, Catholic Charities, The Lena Pope Home, The Parenting Center, and the Texas Runaway Hotline. A variety of prevention, education, and service programs are offered by these contract agencies, including a parenting advice line, anger management classes, parenting classes for high risk families, Services to At-Risk Youth (STAR) program, community youth development programs, and services for runaways and children with substance abuse issues.

Other public awareness and educational campaigns include the "It's Up to You" community action plan (see Appendix F), posters, calendars, and child abuse and the neglect awareness month (April). There is also a newsletter called "Prevention Dimension Newsletter" that seeks to educate professionals on new and emerging topics, as well as disseminate information about conferences and workshops relating to prevention of child abuse and neglect. Additionally, citizens who elect to volunteer for CPS assist in informing the community about child abuse and neglect. However, there are no prevention or public education activities directly related to DMST victimization.

**1.4.3 Identification.** CPS would only become involved in a situation of DMST if there were allegations that a family member or guardian was directly involved in the physical or sexual abuse of the victim. Although statistics were not made available, one interviewee recalled interviews of children who revealed family members who were trafficking/pimping them. One example involved a 16-year-old homeless girl and her homeless father who were living on the streets in Arlington, Texas. The father was prostituting the girl in order for them to obtain food and shelter. Several other examples included drug-addicted parents selling their children in order to obtain drugs.

CPS investigators are trained to ask a series of questions from the general to the specific in order to garner information from the child about abuse or neglect; however, a scripted list of questions is not used by all investigators, as this can make the interview cold and disconnected. The CPS interviewee indicated that interviews with children improved with better training and more experience as investigators helped them learn what questions to ask. Questions such as "were you given anything for participating in the activity?" or "did someone promise you something if you did this?" allow the investigator to determine if there is an element of trafficking involved. If it is determined this type of

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<sup>29</sup> The Child and Family Services Review." <[http://www.dfps.state.Texas.us/Documents/Child\\_Protection/pdf/2008-01-24\\_CFSR\\_Statewide\\_Assessment.pdf](http://www.dfps.state.Texas.us/Documents/Child_Protection/pdf/2008-01-24_CFSR_Statewide_Assessment.pdf)>. Accessed on May 11, 2008.

activity did occur and the suspect is not a family member, that information is reported to the police. Experienced interviewees concur that there are no specific questions relating to DMST within CPS, but explained certain other questions asked during the interview with the child could be related back to this type of criminal conduct.

**1.4.4 Cooperative Relationships.** The 2008 Child and Family Service Review report cites collaboration, both internal and external, as a promising practice within the CPS system.<sup>30</sup> Focus groups participating in the review discuss cooperative relationships with law enforcement, hospitals, social service organizations, and child advocacy centers. Interviewed participants from CPS agree that overall collaboration is a strong point for CPS in Tarrant County.

The Alliance for Children, a child advocacy center, provides space for a CPS investigator office, which is also shared with representatives from FWPD, Tarrant County DA's Office, and Cook Children's Medical Center. These agencies, along with 13 other law enforcement agencies, collaborate in effort to respond to cases of victimization of children. Since all key personnel are housed in one building, children can be brought to the home-like atmosphere for interviews and counseling services. This reduces the likelihood of additional trauma to the child.

CPS has collaborative relationships with agencies in the community to assist in educating the public and preventing child abuse and neglect. A specific program called Community-Based Child Abuse Prevention (CBCAP) "seeks to increase community awareness of existing prevention services, strengthen community and parental involvement in child abuse prevention efforts, and encourage families to engage in services that are already available."<sup>31</sup> There is already a very strong collaborative network in place between CPS and community agencies in which to promote awareness of DMST.

APD VA has a strong and positive relationship with CPS. The positive relationship is related to the fact that APD VA is connected to APD. The inference here is that CPS knows that referrals from APD VA are not based only upon suspicion, but that the police have established some level of probable cause. The collaborations with other agencies serve to provide a support network for children who may eventually be identified as DMST victims.

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<sup>30</sup> The Child and Family Services Review." <[http://www.dfps.state.Texas.us/Documents/Child\\_Protection/pdf/2008-01-24\\_CFSR\\_Statewide\\_Assessment.pdf](http://www.dfps.state.Texas.us/Documents/Child_Protection/pdf/2008-01-24_CFSR_Statewide_Assessment.pdf)>. Accessed on May 11, 2008.

<sup>31</sup> <[http://www.dfps.state.tx.us/Prevention\\_and\\_Early\\_Intervention/About\\_Prevention\\_and\\_Early\\_Intervention/programs.asp#CBCAP](http://www.dfps.state.tx.us/Prevention_and_Early_Intervention/About_Prevention_and_Early_Intervention/programs.asp#CBCAP)>. Accessed on May 12, 2008.

## 1.5 NGOS/SOCIAL SERVICE PROVIDERS

The majority of NGO interviewees has received extensive training on physical and sexual abuse of children. The majority has also attended some type of limited training on human trafficking. Interviewees recognized the need for training that specifically focuses on DMST, but cited several reasons for it not occurring. Many of the interviewees indicated they recognized the benefits of the training.

One NGO interviewee attended forensic interview training, most notably a high quality forensic interviewing training course provided by Corner House in partnership with American Prosecutor's Research Institute in 1998 called Finding Words.

**1.5.2 Public Education.** Various social service provider agencies interviewed for this research conduct community education programs about child sexual abuse, domestic violence, and sexual assault. For example, The Women's Center of Tarrant County developed a program called "Play It Safe" in 1983 for children ages four to eighteen. The curriculum uses anatomical dolls, videos, and printed materials to address issues such as safety rules regarding strangers and different types of touching (safe, unsafe, and confusing), recognizing abusive situations, and reporting such activity. This program is presented to over 80,000 children annually in public/private schools, youth organizations, and religious groups.<sup>32</sup> The Alliance for Children has a similar program called "P.S. It's My Body!" designed to teach and reinforce the three R's of personal safety: recognize, resist, and report. None of these programs incorporate any specific program material on DMST.

**1.5.3 Identification.** NGOs in the Fort Worth/Tarrant County area identify victims of DMST usually through the general intake procedures of their respective organizations; however, there is no systematic method or definitive protocol in place in the majority of the agencies for obtaining DMST victimization information from clients. The standard intake procedures usually involve a counselor conducting an assessment and social history with a client.

The child forensic interviewer on staff at one of the NGOs stated it is outside her role to identify these victims. She explained that the forensic interviewer does not determine if abuse has occurred, but rather determines the credibility of the child's statement. There is a specific protocol she uses for interviewing known as the RATAC protocol (Rapport, Anatomy Identification, Touch Inquiry, Abuse Scenario, and Closure) developed by Corner House. This protocol does not include specific questions aimed at identifying DMST victims; however, she stated after becoming aware of this deficiency, she will consider building in questions to her interviews to address this type of victimization.

**1.5.4 Cooperative Relationships.** Overall, there is a strong network of collaboration among NGOs in Fort Worth/Tarrant County. All participating agencies work with both local law enforcement and CPS and several agencies in particular have partnerships with TCJS to provide counseling and services to juveniles. There are professional coalitions and associations designed to build and maintain cooperation, participate in information sharing, and provide ongoing training to professionals in the area. One example of such an association is the Tarrant County Sexual Abuse Advisory Council (TCSAAC) comprised of individuals representing numerous agencies within the community (i.e., judiciary; DA's office; local, state, and federal law enforcement; victim services; juvenile and adult sex offender treatment providers; juvenile and adult community supervision departments; federal probation; parole; counseling agencies; shelters). Other professional associations designed to foster cooperation and improve services to victims include the Coalition of Crime Victim Services, Tarrant County Task Force

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<sup>32</sup> "Play It Safe" Brochure from the Women's Center of Tarrant County.

on Family Violence, Tarrant County Family Violence Coalition, Arlington Human Service Planners, Social Service Providers Network, Homeless Youth Task Force, and the Child Abuse and Neglect Task Force.



## 1.6 CONCLUSIONS

The emergent themes in the assessment of prevention of DMST point toward limited, if any, training for agencies and individuals who must respond to the needs of DMST, with the exception of FWPD ATU, which provides an eight-hour training to law enforcement personnel and other agencies in the community. Although FWPD ATU is making a concerted effort to train and educate professionals on human trafficking, including DMST, it is limited in reach. Participants cited the issue of training as problematic; specifically, a need to train more law enforcement officers and many more social service agency officials was mentioned.

It is also clear that the public education programs sponsored by these organizations do not address the issue of DMST, with the exception of the FWPD ATU program which engages in some public education activities/campaigns and sets up a booth about DMST at a Halloween carnival advertising a hotline for community members to call to report such activity or to ask questions. A majority of NGO agencies and CPS had extensive public education programs regarding the sexual abuse of children that were geared towards both children and adults. Unfortunately, none of these projects include DMST specific information.

Agencies participating in the interview claimed to have established collaborative relationships with a wide array of partners. These partnerships provide opportunities for professionals from different agencies to complement the strength of another. In another way, these partnerships serve to create a network of resources from which to better meet the needs of children who are trafficked by family members, friends, or pimps. Unfortunately, a lack of cooperation between federal and state agencies was noted.

Finally, at the time of this assessment, there were no specific protocols aimed toward identifying and responding to DMST victims. This finding is all the more important when one considers the large estimates of runaway and at-risk youth who are vulnerable to becoming victims of DMST. Currently, identification methods are largely informal and ad hoc. In all, it appears that much more can be done to address the needs of DMST victims, ranging from the need for special counseling programs and the need for more crisis shelters to the apparent need to educate all constituencies about the federal Trafficking Victims Protection Act as well as the Texas human trafficking statutes.

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## 1.7 BEST PRACTICES & GAPS

**1.7.1 Best Practices.** Most, if not all, agencies in Fort Worth/Tarrant County are proactive and victim-oriented. Additionally, many of the agency representatives are concerned about the safety of the victims. Though there is no protocol designed for DMST, the agencies make an effort to ask additional questions that might identify the individual as a victim of DMST.

Many participating agencies are engaged in interdisciplinary training sessions that bring together practitioners from a variety of professions who may come into contact with victims of DMST. There is an atmosphere of collaboration and referral that is beneficial to potential victims, though the lack of DMST-specific programming was cited as a hurdle, as victims are shuffled to different agencies in an effort to find appropriate programming. Related to this is the positive working relationship between CPS, law enforcement, and NGOs/social service providers. Great effort has been made to improve CPS's interactions with other professional groups, and interviewees reported a noted improvement.

Numerous social service agencies, including The Women's Center of Tarrant County, Alliance for Children, and CPS, sponsor community outreach programs designed to educate students about sexual abuse and teen rape. Though DMST specific information is not currently included in the programming, a solid foundation exists in which to effect outreach to vulnerable youth. In addition, one law enforcement agency has programs designed to increase awareness of human trafficking and to encourage citizens to report suspicious behavior patterns.

Law enforcement and prosecutors in Tarrant County have arrested and tried several cases of DMST, including the current arrest and investigation of two buyers of children. These cases mark an important, promising practice within Fort Worth/Tarrant County area to identify both the victims of DMST as well as perpetrators.

**1.7.2 Gaps.** With respect to gaps in prevention practices, interviewee responses, brochures, and/or other statistical data, there currently are no specific protocols developed for identification of DMST victims. Although all agencies represented in this study have contact with at-risk youth and engage in interviewing or conducting assessments with potential victims, there are no specific questions asked during these processes to elicit disclosure of DMST.

There is conceptual and definitional confusion among practitioners with respect to DMST. Most interviewees used the term "child prostitute" in reference to the victims of DMST. This term is contradictory to Texas law stating that children 16 years of age or younger in Texas cannot legally consent to sexual activity, and contradicts the federal TVPA which identifies any person used in commercial sex activities who is under the age of 18 as a victim of sex trafficking regardless of "consent." Any terminology used with regard to these children that does not call them victims serves to further stigmatize and demean them.

There is a need for training directly related to DMST. Though many of the interviewees had attended extensive training on physical and sexual abuse of children and adults, there was little evidence of training on DMST. Only a handful of law enforcement officers from each of the participating agencies had attended specific training on DMST. The same is true for CPS, juvenile justice, and NGOs; very few staff had received specific training on DMST. Furthermore, the interviewees stated that the available training was not comprehensive.

The lack of knowledge about DMST, the lack of training, and lack of victims identified by law enforcement officials interviewed for this assessment indicate that identification and prevention of DMST is not a high priority among law enforcement officials in the Fort Worth/Tarrant County area. The law enforcement officials interviewed expressed concern about DMST, but focused activities on other types of crimes often closely related to DMST, such as sexual assaults of children, indecency with a child, etc.

In summary, many of the interviewees expressed a genuine concern about this population of DMST victims who are not being identified properly and in a timely fashion, and are not accessing necessary services. Federal law enforcement and prosecutors have not engaged closely with these collaborations to date. The majority of interviewees desired more training and information on how to properly identify DMST victims and learn about their specific needs.

## II. PROSECUTION

Prosecution of traffickers, pimps, buyers, and facilitators involved in DMST is essential to deterring and eliminating demand for sex with juveniles. Instead of prosecuting the DMST victims for prostitution, which is contradictory to most state laws regarding age of consent for sexual behavior as well as the TVPA, those adults that facilitate and engage in sex with juveniles should be prosecuted to the fullest extent of the law.

## 2.1 LAW ENFORCEMENT

**2.1.1 Prosecuting Traffickers.** Two FWPD interviewees stated they always opt for the more severe charge that will yield a longer period of incarceration when investigating and charging a trafficker/pimp or a buyer in DMST cases. FWPD ATU utilizes both federal and state laws. If a strong federal case can be developed, this is the preferable charge. Investigators stated they try to develop a federal case first, knowing it can then be converted to a state case if adequate evidence or victim cooperation is not obtained. The reason for focusing on the federal law first is the longer sentencing guidelines and because the federal TVPA does not require force, fraud or coercion be proven when the victim is a minor.

One law enforcement interviewee indicated that eight to nine traffickers have been identified in DMST cases since FWPD ATU's inception in September 2006. Warrants are currently being processed for two of the suspected traffickers, while the others have been already been arrested and charged with compelling prostitution, human trafficking, promoting prostitution, kidnapping, aggravated sexual assault of a minor, and/or engaging in organized crime. Interestingly, several of the traffickers have been juveniles. This law enforcement interviewee stated he received information about other traffickers from one female trafficker he was able to turn into a confidential informant. Information provided by this confidential informant led to the arrests of four additional traffickers.

Neither APD nor TCSO interviewees indicated their agencies have investigations against suspected traffickers/pimps of DMST, but they have investigated many other types of related sex crime cases, such as promotion of child pornography, online solicitation of a minor, etc.

**2.1.2 Prosecution of Facilitators.** One law enforcement interviewee indicated there has been one arrest of a person driving a car to transport DMST victims. This individual was charged with facilitating transportation for the purposes of human trafficking and was charged under state law. The case is currently pending and no disposition has been reached.

**2.1.3 Prosecution of Buyers.** Buyers of various DMST crimes are being prosecuted. With regard to child pornography, law enforcement officials in Tarrant County arrested hundreds of perpetrators who purchased and traded child pornography online. If the images or videos of a child being sexual exploited are sold or traded for something of value, the victim qualifies as a DMST victim under the TVPA.

It was the opinion of one law enforcement interviewee that there should be harsher punishments for all buyers arrested for purchasing commercial sex services from minors and adults. FWPD's "John TV" has received positive reports from the public. The purpose of "John TV" is "to provide public awareness of prostitution-related offenses and indecent exposure-public lewdness."<sup>33</sup> Note, however, that "John TV" is used to reveal buyers of prostitution—the victims may include adult sex trafficking victims and potentially DMST victims. In 2001, fifteen North Texans were arrested for purchasing monthly subscriptions to a child pornography website operated by a Fort Worth couple, Thomas and Janice Reedy, who are now serving time in a federal prison. The investigation and prosecution of these buyers began after the Reedys' home was raided in 1999 and a subscriber list with over 300,000 names was found on a computer. This investigation spanned 37 states and five countries.

**2.1.4 Legal Contradictions.** One law enforcement interviewee viewed victims of DMST as criminals (child prostitutes) in large part due to victims' hardened attitude toward their situation. Numerous interviewees also indicated DMST victims are not viewed as victims under the law and are, therefore, not eligible for victim's services unless they are willing to testify against their trafficker/pimp in court.

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<sup>33</sup> <<http://www.fortworthpd.com/johntv.htm>>. Accessed on May 20, 2008.

Placing the burden of proof on the victim has made prosecution of traffickers and buyers challenging. If the victim is afraid of retaliation against herself or her family by the trafficker/pimp, she is unlikely to want to testify against her trafficker/pimp. A law enforcement interviewee mentioned a case in which one victim did not testify against her trafficker due to fear of retaliation; because of the victim's unwillingness to testify, the trafficker could not be charged with human trafficking and was charged with promotion of prostitution instead. The trafficker received community service hours and a \$250 fine.

## 2.2 PROSECUTION

**2.2.1 Charges.** Two prosecutors from the Tarrant County DA's Office interviewed for this assessment stated they have charged traffickers/pimps of domestic minors with sexual assault of a child under 17, as a party to sexual assault, compelling prostitution of a minor, engaging in organized crime, kidnapping, and human trafficking. Prosecutors interviewed did not have much experience with DMST cases. In fact, the January 2008 juvenile prostitution ring case was the first DMST case some had prosecuted. Since the FWPD ATU was established in September 2006, five traffickers/pimps have been arrested and charged with compelling prostitution, human trafficking, promoting prostitution, kidnapping, aggravated sexual assault of a minor, and/or engaging in organized crime, several of the traffickers being juveniles. The traffickers are currently being prosecuted under state charges and their case dispositions are pending.

While one prosecutor stated that buyers are not frequently prosecuted in DMST cases, another prosecutor stated he is presently working on a DMST case in which two buyers have been arrested and charged with aggravated kidnapping, engaging in organized criminal activity, and prostitution. Sexual assault of a child and aggravated sexual assault of a child are charges that have been used to prosecute buyers purchasing commercial sex services from minors. Prosecutors indicated the two buyers recently arrested were caught in the act of purchasing sex services from domestic minors.

Fort Worth/Tarrant County area prosecutors indicate they have never pursued federal charges in cases involving DMST; all charges against traffickers/pimps and buyers have come at the state level. According to one prosecutor, when considering whether to pursue state charges involving domestic victims of child prostitution, victim cooperation is considered as well as the seriousness of the crime, including the length/duration of the abuse, the number of occurrences of the abuse, the number of victims, the degree of threat or coercion used, whether alcohol or drugs were used in the coercion of the victim(s), and other aggravating factors. This reality is illustrated in Appendix C.

**2.2.2 Prosecution of DTMs.** Interviewed prosecutors had not prosecuted a case of prostitution charged against a minor. Although prosecutors have seen cases where minors were charged with prostitution and subsequently detained, the charges were later dropped and the minor was released from detention. The minors were primarily detained for their own protection and to ensure easy access by detectives and prosecutors while building a case against the trafficker/pimp. The minors are then released on time served.

Minors have been arrested for prostitution or runaway offenses; however, they were not charged. Most often, the minors are placed back with their parents/guardians, held in juvenile facilities, or placed in drug treatment facilities. After a CPS investigation, some minors are placed into foster care if abuse or neglect is found within their family homes.

**2.2.3 Prosecution of Traffickers.** Prosecutors interviewed indicated that because they are state prosecutors, they do not charge traffickers/pimps under the federal law and stated that they are only "vaguely familiar" with the federal TVPA. Prosecutors stated they use the Texas trafficking statute that indicates coercion by the trafficker/pimp must be proven, even in DMST cases. State laws prohibiting compelling prostitution of a child and sexual assault of a child are also utilized. Furthermore, laws prohibiting engaging in organized crime are used if a group of individuals is involved in the crime.

Since September 2006, five traffickers/pimps have been arrested and charged with compelling prostitution, human trafficking, promoting prostitution, kidnapping, aggravated sexual assault of a minor,



and/or engaging in organized crime. The traffickers are currently being prosecuted under state charges and their cases are pending trial.

One prosecutor interviewed outlined the following considerations in pursuing state charges against traffickers/pimps of domestic victims of child prostitution: (1) whether he has cooperative victims who are willing to come forward and (2) the seriousness of the crime—including the length/duration of the abuse, the number of occurrences of the abuse, the number of victims, the degree of threat or coercion used, whether alcohol or drugs were used in the coercion of the victim(s), and other aggravating factors. In the end, the major predictor in case outcome is the level of cooperation from the victim(s).

Another prosecutor interviewee indicated the initial challenge in beginning to develop a case against a trafficker of domestic children is eliciting the full truth about the abuse/victimization from the child victim. These child victims are typically nervous and frightened about revealing the whole truth of what happened to them; they often feel great shame and embarrassment, and are afraid of punishment for prostituting and/or using drugs. According to the prosecutors interviewed, it takes a great deal of time and effort on the part of detectives, prosecutors, and victims' assistance coordinators to develop a relationship of trust with the victim.

**2.2.4 Prosecution of Buyers.** Prosecutors indicated that buyers of sex acts from children are not frequently prosecuted, though one prosecutor interviewed is pursuing a pending case in which two buyers of commercial sex services from DMST victims have been identified. The two buyers have been arrested and charged with state crimes of aggravated kidnapping, engaging in organized criminal activity, and prostitution. The prosecutors stated that sexual assault of a minor (a second degree felony) or aggravated sexual assault of a minor (a first degree felony) charges may also be appropriate for buyers purchasing commercial sex services from minors. These charges carry punishments of incarceration for two to 20 years for the second degree felony and five to 99 years for the first degree felony.

**2.2.5 Prosecution of Facilitators.** One prosecutor interviewed stated he has never worked on a case in which facilitators of DMST (i.e., taxi drivers, hotel desk clerks) were prosecuted. In his experience and opinion, it would be difficult to win convictions in such cases because defendants could claim they were unaware of the criminal activity/prostitution.

**2.2.6 Prosecution of Child Pornography Cases.** In 2003, the Texas Attorney General launched the Cyber Crimes Unit to investigate online predators. One technique used in these investigations is for law enforcement officers to pose as young teens in Internet chat rooms in order to receive illegal sexual enticement from adult perpetrators. Since its inception, over 600 offenders have been arrested and 60 convictions obtained. In 2007, a Tarrant County judge sentenced one such offender caught by the Attorney General's Cyber Crimes Unit to over 40 years in prison for promotion of child pornography. A forensic search of the offender's computer revealed over 1,000 sexually explicit images of children and 2,100 computer files containing child pornography.<sup>34</sup>

Although no concrete statistics were provided by interviewees regarding the prosecution of traffickers, pimps, or facilitators, a cursory inquiry into prosecutorial information revealed Tarrant County prosecutes hundreds of individuals for possession/promotion of child pornography, online solicitation of a minor, sexual assault of a child, aggravated sexual assault of a child, and injury to a child, which is a lesser charge. Many of these cases could also qualify as victims of DMST under the TVPA if an element of commercial exchange occurred (such as trading or selling the images or videos for something of value). However, specific child pornography laws are more likely to be applied.

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<sup>34</sup> <<http://www.oag.state.tx.us/oagNews/release.php?print=1&id=2111>>. Accessed on May 17, 2008.

**2.2.7 Victim-Centered Prosecutions.** According to prosecutors interviewed for this study, there is no “formal” victim-centered process used to facilitate the minor’s participation while minimizing the potential for revictimization. Typically, the prosecutor, the detective, and the victims’ assistance coordinator will meet with the victim on multiple occasions and explain the importance of continued cooperation. Throughout the process, the prosecutor, the detective, and the victims’ assistance coordinator work together to make the minor victim comfortable with them and to provide assurances that these professionals involved are all interested in meaningful resolution and justice. Victim-centered investigations and prosecutions, in conjunction with services, also help stabilize child victims and build a relationship of trust, which in turn can potentially decrease the incidence of recanting and lead to a better testimony. The development of such a relationship can also result in the victim encouraging others, who they were victimized with, to come forward and reveal their victimization as well.

**2.2.8 DMST Victims as Witnesses.** DTMs were noted almost unanimously as frequently uncooperative clients/witnesses. Many victims view their trafficker/pimp as a “boyfriend” and do not want to testify against him. Although the sexual activity may be torturous for the DTMs, they endure this type of behavior in exchange for other items of value or to sustain a certain level of existence, which they may not have had prior to the “relationship,” such as having a person to protect them on the street.

According to state prosecutors interviewed, the most challenging aspect of working DMST cases is securing the cooperation and testimony of the victim in court with the perpetrator present. Prosecutors have found it difficult to prepare victims to endure the cross-examination by the defense. According to one interviewee, many of these victims feel as though they are a “guilty accomplice” and are reluctant to cooperate and testify.

Despite the challenges, one interviewee stated that there are benefits to having the victim present in the courtroom. Nonetheless, Texas law provides for videotaped testimony if necessary, especially if the victim/witness is very young though prosecutors indicated this is difficult to convince the judge that it is absolutely necessary. Closed-circuit televised testimony may be used in some instances, particularly when the presiding judge is convinced that testifying live in court would be particularly traumatic for the victim/witness based on the age and/or the facts of the offense. One prosecutor stated a reluctance to use videotaped testimony because the defense would likely object that they were deprived of the right to cross-examine the witness and a higher court could reverse a conviction on appeal if such an objection were recorded. For this reason, the prosecutor uses videotaped testimony only if absolutely necessary.

## 2.3 JUVENILE JUSTICE SYSTEM

**2.3.1 Detention.** Juveniles arrested in Texas are screened by an intake officer and a decision is made whether to release or hold the child. The juvenile can be held for up to 48 hours before being taken before a judge or referee. A referee is an individual appointed by a court to handle juvenile hearings, including detention hearings, when a juvenile court judge is unavailable. The referee does not have to be a judge, but must be a licensed attorney in Texas. The judge may later accept or decline the referee's recommendations.<sup>35</sup>

Juveniles must be given written or verbal notice of the detention hearing within a reasonable timeframe. During a detention hearing, juveniles may or may not be represented by an attorney, as the hearings are informal. If a child's parents or guardian(s) cannot be located, the court can conduct a detention hearing without them present but must appoint a guardian ad litem for the child (see Appendix G for a full range of options available to juvenile court judges).<sup>36</sup>

Criteria for a decision to detain a child includes: the child is a flight risk; the child lacks adequate supervision; there is no parent or guardian who will return the child to court as directed; the child poses a danger to herself or others; the child has a prior adjudication for delinquent conduct and is likely to offend again if released.

**2.3.2 Prosecution of Traffickers.** If a juvenile reveals, during intake or in any other interaction with TCJS staff, an involvement in prostitution, this information is referred to law enforcement for investigation or CPS if the suspect was a family member. No interviewee could recall a juvenile naming a parent or guardian as trafficker/pimp. According to TCJS probation staff interviewees, law enforcement officials do an excellent job of responding when they report that a minor has been a victim of sex trafficking.

**2.3.3 Prosecution of DTMs.** Juveniles are rarely charged with prostitution in the Fort Worth/Tarrant County area. Since the year 2000, juvenile probation and detention staff provided statistics revealing only 25 youth have been charged with prostitution, a Class A misdemeanor. Two additional juveniles were charged with promotion of prostitution. Eight other juveniles have been charged with varying offenses, such as possession/promotion of child pornography and sexual performance of a child.

**Prostitution Related Offense Details 2000-2008**

Offense	Number of Referrals	Percentage of Total
Prostitution (of self)	25	71%
Poss./Promotion of Child Pornography	7	20%
Sexual Performance of a Child	1	3%
Promotion of Prostitution	2	6%
<b>Total</b>	<b>35</b>	<b>100%</b>

<sup>35</sup> "Juvenile Justice in Texas: Factors Correlated with Processing Decisions." April, 1997. Public Policy Research Institute, Texas A&M University. <<http://ojjdp.ncjrs.org/dmc/pdf/texasojjdpmainreport.pdf>>. Accessed on May 17, 2008.

<sup>36</sup> "2007 Juvenile Justice Handbook: a practical reference guide."

<[http://www.oag.state.tx.us/AG\\_Publications/pdfs/juv\\_justice2007.pdf](http://www.oag.state.tx.us/AG_Publications/pdfs/juv_justice2007.pdf)>. Accessed on May 17, 2008.

### Prostitution Related Offense Referrals 2000-2008

Year	Total Referrals
2000	3
2001	1
2002	7
2003	6
2004	5
2005	2
2006	3
2007	6
2008	2
<b>Total</b>	<b>35</b>

**2.3.4 Recognition of Victim Status.** In 1973, Title 3 of the Texas Family Code established the juvenile justice system. Its original goals were to “provide for the care and development of a child; to remove the stigma of criminality from the unlawful acts of a child; to separate a child from his or her parents only when necessary and to give the child needed care; and to provide a simple judicial procedure to ensure a fair hearing and enforcement of constitutional rights.”<sup>37</sup> Almost twenty years later, Title 3 was revised to more adequately address the juvenile offenders common today that were not as common 20 years ago. Thus, the new goals of Title 3 have changed to reflect a more punitive orientation:

- To strengthen public safety;
- To promote the concept of punishment for criminal acts;
- To remove, where appropriate, the taint of criminality from children committing certain unlawful acts; and
- To provide treatment, training, and rehabilitation that emphasizes the accountability and responsibility of both the parent and the child for the child’s conduct.<sup>38</sup>

Despite this legislative change emphasizing the punitive nature of the juvenile justice system, juvenile probation and detention staff in the Fort Worth/Tarrant County area view minors charged with prostitution as victims. Juvenile probation and detention staff are required by law to report child sexual abuse or neglect within 48 hours of learning of such situation.<sup>39</sup> However, staff indicated that they would not necessarily contact law enforcement or CPS unless an allegation of abuse or neglect was made by the child.

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<sup>37</sup> “2007 Juvenile Justice Handbook: a practical reference guide.”

<[http://www.oag.state.tx.us/AG\\_Publications/pdfs/juv\\_justice2007.pdf](http://www.oag.state.tx.us/AG_Publications/pdfs/juv_justice2007.pdf)>. Accessed on May 17, 2008.

<sup>38</sup> §51.01, F.C

<sup>39</sup> Texas Family Code Chapter §261.101. <<http://tlo2.tlc.state.tx.us/statutes/docs/FA/content/htm/fa.005.00.000261.00.htm>>. Accessed on May 17, 2008.

## 2.4 CHILD PROTECTIVE SERVICES

**2.4.1 Prosecution of Traffickers.** Interviewees with CPS and participants who were former CPS workers were not familiar with the federal TVPA and were only vaguely familiar with the state law on human trafficking. CPS workers are normally only involved in state-level cases, but indicated they would cooperate with the federal authorities on DMST cases if the situation arose. CPS investigators collaborate with law enforcement and the District Attorney's Office in the prosecution of traffickers that are family members. If a child discloses to a CPS investigator that a family member, guardian, and/or caregiver has trafficked them in some way, a report would be made to the police about the incident. In some cases, CPS investigators receive referrals from law enforcement for a separate issue, such as physical abuse, but during the initial interview the child discloses she has been a victim of DMST – in this case the information is shared with police for investigation.

**2.4.2 Runaways from CPS Placements.** During the investigation and trial of a DMST situation, a victim may be placed in a CPS shelter, group home, or foster care family if the trafficker involved is a family member and/or living in the minor's place of residence. If a child runs away from a shelter, foster care home, or group home, CPS caseworkers will notify family members, as the child may go back to the home from which they were removed. CPS would also notify police and file a runaway report.

## 2.5 NGOS/SOCIAL SERVICE PROVIDERS

**2.5.1 Participation in Investigations and Prosecution.** Many of the NGOs interviewed are not familiar with state or federal anti-human trafficking laws, but are familiar with state laws, such as compelling prostitution and sexual assault of a child. NGOs also indicated that they are required by law to report child sexual abuse or neglect within 48 hours (see Appendix H).<sup>40</sup> Most NGOs indicated a willingness to cooperate with law enforcement and CPS when a client reports that s/he has been victimized. One agency reported that law enforcement officials will come to their office to take reports from victims when necessary because the agency's environment is more comfortable for the victim. On the other hand, one interviewee expressed that a challenge her organization faces is helping law enforcement understand that the organization is not necessarily part of the investigation. The interviewee stated she and other staff within her organization cooperate as much as possible with law enforcement, but not at the expense of the therapeutic relationship.

**2.5.2 Recognition of Victim Status.** NGO interviewees all agree that minors often viewed as “child prostitutes” should be viewed as victims, not delinquents. The fact that Texas state law does not allow a child under 17 to consent to sexual behavior yet juveniles are charged with prostitution or are stigmatized and labeled as prostitutes, is disturbing to many social service provider interviewees.

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<sup>40</sup> Texas Family Code Chapter §261.101. <<http://tlo2.tlc.state.tx.us/statutes/docs/FA/content/htm/fa.005.00.000261.00.htm>>. Accessed on May 27, 2008.

## 2.6 CONCLUSIONS

There have been several individuals who have been successfully investigated, charged and convicted of DMST in the Fort Worth/Tarrant County area. Since September 2006, five traffickers/pimps have been arrested and charged with compelling prostitution, human trafficking, promoting prostitution, kidnapping, aggravated sexual assault of a minor, and/or engaging in organized crime. These cases involve DMST. The traffickers are currently being prosecuted under state charges and their cases are pending.

Although no concrete statistics were provided by interviewees regarding prosecutions of traffickers, pimps, facilitators, or buyers, a cursory inquiry revealed that Tarrant County has prosecuted hundreds of individuals for a wide range of crimes against minors, including possession/promotion of child pornography, online solicitation of a minor, sexual performance of a child, sexual assault of a child, aggravated sexual assault of a child, and injury to a child. Aspects of these crimes can constitute DMST if a commercial exchange occurred for anything of value under the definition set forth by the TVPA.

There is evidence that definitional and conceptual problems with respect to DMST persist. Only a few interviewees were familiar with the term DMST. Accordingly, there are varying degrees of knowledge about state and federal legislation designed to combat human trafficking. State prosecutors were only vaguely familiar with the TVPA; many law enforcement interviewees did not have any knowledge of the law. Similarly, many NGOs interviewed for this research were not familiar with the TVPA.

Though several buyers of sex acts from DTMs have been arrested in Fort Worth/Tarrant County, this is not common. A facilitator of DMST has also been arrested; however, the case has not yet moved forward. Two noted hurdles to prosecutions of DMST are the frequently uncooperative victims and the requirement in Texas anti-trafficking legislation to prove force, coercion, or threats to the victim by the trafficker/pimp.

## 2.7 BEST PRACTICES & GAPS

**2.7.1 Best Practices.** Law enforcement officers attempt to build cases for the most serious offenses that, if convicted, will yield the longest amount of time behind bars for perpetrators. In addition, the willingness to investigate and charge buyers and facilitators is highly lauded as a key to dismantling the entire network of those who benefit from DMST. Fort Worth/Tarrant County prosecutors are successful in prosecuting producers of child pornography that may qualify as traffickers, as well as individuals who solicit minors online for sexual purposes.

NGOs pursue a high level of cooperation with law enforcement and prosecutors though limited by their confidentiality and therapeutic relationships with DTMs. Collaboration results in victims being less frequently re-traumatized. Moreover, interviews of victims often take place in a comfortable setting, and many participants state a willingness to go wherever is necessary to obtain information and take statements from victims to assist in the prosecution of traffickers/pimps.

Few minors are charged with prostitution in Fort Worth/Tarrant County confirming the overall finding that juveniles engaged in prostitution are viewed more often as victims than delinquents. Many, if not all, participating agencies are victim-oriented; there is no hesitation to identify children in sex-related crimes as victims.

In the absence of a parent or other legal guardian, there are provisions for giving care to the juvenile victim. If a child's parent(s)/guardian(s) cannot be located, the court can conduct a detention hearing without their presence by appointing a *guardian ad litem* for the child.

**2.7.2 Gaps.** With respect to gaps in practices, a contradiction existed between interview responses, brochures, and/or other statistical data, and the frequent reference to DMST victims as "child prostitutes." Terminological use should be consistent with the current best practices of not charging these children with crimes of prostitution.

The Texas statute for human trafficking does not align with the federal TVPA. The Texas statute defines human trafficking as "forced labor and services" for both adults and minors and requires prosecutors to prove elements of force, fraud, or coercion used against a victim. This is contradictory to other Texas laws which state a child under the age of 17 cannot consent to sexual behavior based on age alone (even if the child "willingly" participates in sexual behavior). Furthermore, the Texas human trafficking statute defines an offense of trafficking occurring when a person "knowingly traffics another person with the intent or knowledge that the trafficked person will engage in forced labor or services" or if a person "intentionally or knowingly benefits from participating in a venture" that involves trafficking a person.<sup>41</sup> This places the Texas human trafficking law in direct conflict with the TVPA and places a high burden of proof on law enforcement and the prosecutor. Interviewees cited this burden of proof as a hurdle to prosecuting traffickers/pimps and as a reason for preferring DMST cases to be prosecuted at the federal level.

Participants stated a reluctance to use closed-circuit televised testimony of a victim in court proceedings against a trafficker/pimp, though this might be one way to lessen the psychological impact upon younger children. One prosecutor interviewed for this assessment indicated the need for children to testify against their abuser in open court because defense attorneys assert the perpetrator's right to cross-examine the

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<sup>41</sup> Texas Penal Code: Chapter 20A. "Trafficking in Persons." Effective September 1, 2003. <<http://tlo2.tlc.state.tx.us/statutes/petoc.html>>. Accessed on April 19, 2008.



witness. Still, participating prosecutors believed that the use of closed-circuit television would help mitigate the trauma of courtroom testimony for some victims.

Though some cases have been brought against traffickers for DMST, the number of prosecutions is still low. Challenges to prosecutions create great difficulty in investigating and prosecuting DMST crimes. Despite revelations that parents can be facilitators or pimps in DMST cases, there continues to be a dearth of investigations and prosecutions of familial traffickers and CPS continues to be unaware of the signs or questions to expose situations of DMST.

Lastly, juveniles are often detained “for their own protection” as prosecutors build a case against their traffickers due to the lack of appropriate shelter alternatives. These juvenile victims may be housed at the juvenile detention facility or kept in custody by police. This conflicts with viewing DTMs as victims. In addition, detaining a victim only serves to involve the juvenile further in the juvenile justice system, hinder restorative services, and revictimize the child.

### III. PROTECTION

Protection consists of both the physical safety of the victim and the restorative services available. Once a DMST victim has been identified, it is essential that the victim has access to services and safe shelter away from the trafficker. DTMs should be housed only in protective, restorative placements reflective of their victim status. Integral to this is the seriousness of the threat posed by both the traffickers and the trafficker's associates. Every effort must be taken to protect both the victim as well as their family from reprisals from traffickers/pimps.

## 3.1 LAW ENFORCEMENT

**3.1.1 Rescue of DTMs.** According to several FWPD interviewees, DMST victims are rescued through the FWPD Anti-Trafficking Unit (ATU) and/or the Crimes Against Children Unit (CACU). It was reported that there is no standard written protocol in place for raids/rescues of DMST victims. Whenever a rescue of suspected DMST victims occurs, FWPD ATU personnel are called to the scene; their job is to “remain on the outskirts” of the raid and collect information from and about the victim(s) in order to make appropriate referrals to CPS, Victims Assistance Program, and medical treatment/examinations. Law enforcement expects that the rescue of a DTM would be accomplished by a social service agency or CPS, not law enforcement.

**3.1.2 Access to Treatment.** Generally, law enforcement officials do not assume the responsibility of providing access to treatment for DMST victims when rescued. However, FWPD ATU is making considerable efforts to provide greater access to services for DMST victims by working with the social service providers on the human trafficking task force. Several FWPD ATU interviewees indicated that they are in the process of entering agreements with local service providers to address the immediate and long-term needs of DMST victims upon identification and/or execution of a raid/rescue. They stated they remain in close contact with local service providers and these providers know they can contact FWPD for consultations without making formal reports.

Multiple law enforcement interviewees agree that the primary challenge in getting services and resources for treatment and rehabilitation to DMST victims is the absence of specialized services available in the Fort Worth/Tarrant County area. However, there are services available for victimizations related to DMST, such as sexual assault and runaway youth. Mosaic Family Services, the social service leader of the North Texas Anti-Human Trafficking Task Force has funding for services for human trafficking victims from DOJ/OVC; however, that funding is restricted by the TVPA to provide services only for foreign victims of human trafficking.

**3.1.3 Access to Shelter.** There are not many beds in residential facilities available for victims, possibly 12 for girls and 12 for boys, according to one interviewee. This interviewer believes that detaining victims is safer for them and easier for law enforcement, prosecution, and service providers because victims need to be accessible throughout the investigation and prosecution of their traffickers and/or buyers.

Several interviewees from FWPD have continually advocated for more restorative services for DMST victims by meeting with emergency shelters to explain how this client population differs from others and must be treated in a specialized manner. They have repeatedly stressed that DMST victims’ safety must be guaranteed, and have voiced concern that placing a victim in a general shelter could expose the victim and other residents to danger. To deal with this and other concerns, shelter staff is encouraged to remind victims to not discuss their cases with other residents, in part due to danger of retaliation by the pimp or gang members.

FWPD ATU advocates for specialized facilities for DMST victims and, to address safety concerns, stresses that such shelters should not advertise the fact they are “trafficking shelters.” One interviewee stated if it were widely known that a certain shelter specialized in serving trafficking victims, traffickers/pimps would be likely to use the location for recruitment purposes.

Access to appropriate shelter and services for DMST victims affects other areas of investigation and prosecution. According to interviewees, when victims are provided with specialized counseling and treatment, they are more likely to be forthcoming with details of their victimization and more cooperative in the prosecution of their traffickers.

**3.1.4 Victim Services.** The APD Victim Assistance (APD VA) program, initiated in 1987 by volunteers, is one of the first programs of its type in Texas and, in 1992, won the Governor's Award for Best Victim Assistance Program in Texas. The APD VA program exists to provide services to victims and family members with the goal of lessening the short-and long-term trauma experienced as a direct result of victimization. The Victim Assistance Program with APD provides an array of services and referrals for victims.

The APD VA program provides crisis counseling, crisis intervention, criminal justice support and advocacy, information and referral, notification of rights and assistance with filing Crime Victims Compensation claims, assistance with property return, court accompaniment, child care during statements, and transportation to court or to shelter to all victims of violent crime reported to the APD.

FWPD's Victim Assistance Unit (VAU) has identified zero DMST victims since 2000; the Anti-Trafficking Unit (ATU) identified all six DMST victims. While FWPD ATU is housed under the direction and control of the Special Operations Division, and the CACU operates under the Violent Personal Crimes Unit of the Criminal Investigations Division, FWPD's Victims Assistance Unit reports directly to the Captain of the Criminal Investigations Division. According to one FWPD interviewee, Victim Assistance personnel therefore have less bureaucracy to traverse within the overall organization and can typically provide victims with services quickly and efficiently. Multiple law enforcement interviewees indicated that it would be preferable to house the ATU under the umbrella of Victim Assistance because, most likely, a greater number of DMST victims would be properly identified as victims and receive necessary services. Furthermore, one law enforcement interviewee indicated the ATU could more easily secure additional funding sources if it was housed under the umbrella of Victim Assistance. While this report was being written, FWPD held a meeting between the Victim Assistance Unit Program Coordinator, various captains and deputy chiefs, and research and planning officials to discuss how best to identify and serve DMST victims, including potentially moving the ATU under the umbrella of Victim Assistance.

**3.1.5 Partnerships.** APD has been nationally recognized for its efforts in strengthening cooperation between law enforcement and victim services. In 2004, Arlington Police Sergeant Greg Waldron received the Award for Professional Innovation in Victim Services from Attorney General John Ashcroft for developing a partnership with the Women's Center of Tarrant County to offer sexual assault victims immediate access to a counselor. APD VA interviewees indicated an interest in collaborating more with the FBI.

Several interviewees from FWPD indicated that, like victims of domestic violence, DMST victims should be provided with services immediately, with both a detective and a social worker present. Furthermore, follow-up is essential to preventing further victimization; FWPD ATU works diligently to follow up with DMST victims and their families. One FWPD interviewee stated he makes contact with DMST victims and their families in his pending cases at least every two or three days to check on their welfare and needs.

Several FWPD interviewees have continually advocated for more restorative services for DMST victims by meeting with emergency shelters to explain how this client population differs from others and must be treated in a specialized manner. They have repeatedly stressed that DMST victims' safety must be

guaranteed, and have voiced concern that placing a victim in a traditional unsecured shelter could expose the victim and other residents to danger.

Law enforcement interviewees overwhelmingly agreed that more local, specialized service providers must be made available for DMST victims. The main hindrance to this, according to law enforcement participants, is the belief that key professional groups are unaware of the existence, extent, and nature of DMST. Interviewees stated that greater effort needs to be made to raise awareness of DMST and more partnerships formed between law enforcement agencies and local service providers.

**3.1.6 Custodial Issues.** A January 2008 case of teenage traffickers/pimps in Fort Worth has provided insight into unique custodial issues. A decision was made that both the teenage victims and suspects were to be detained; unfortunately, it was later discovered that the teenage victims and suspects were being held at the same juvenile detention facility in the general population. Quick action was taken to remedy the issue and the victims in this pending case were placed in an undisclosed location.

## 3.2 PROSECUTION

**3.2.1 Victim Assistance.** Prosecutors interviewed indicated that victims have access to a victim assistance coordinator before their hearing or trial. The victim assistance coordinator provides the victim and their family with suggestions/referrals to different organizations that can provide them with services. It was one prosecutor's experience that victims who were referred to counseling services by victims' assistance coordinators developed greater trust in authority figures and in the juvenile justice system in general. This interviewee stated that access to services and support helps prosecutors develop good relationships with victims/witnesses, as well as becoming more open about details of their victimization and having increased desire to pursue justice against their trafficker/pimp.

## 3.3 JUVENILE JUSTICE SYSTEM

**3.3.1 Treatment Plans.** During the intake process, juveniles' needs are assessed, and based upon the information, an individual supervision (for probation) or treatment plan is formulated. Participants with both the detention center and juvenile probation stated that information from a juvenile in detention regarding sexual abuse is reported to appropriate law enforcement personnel and/or CPS and a referral for counseling is made to an agency designed to meet this type of need. The Lena Pope Home has a contract with the Tarrant County Juvenile Services (TCJS) to provide counseling to juvenile probation clients. The Women's Center of Tarrant County also provides counseling to juvenile victims and can provide counseling without parental/guardian consent. Other general service programs available for juveniles through TCJS include John Peter Smith Health Network (county medical system), Recovery Resource Council (substance abuse), a gang intervention program, and programming on domestic violence provided by Safe Haven.

**3.3.2 Juvenile Justice Alternative Education Program (JJAEP).** In 1995, the Texas Legislature developed an alternative education program for juveniles removed from school settings deemed as disruptive or dangerous. Cities with a population of more than 125,000 are required to operate a JJAEP. Currently, Tarrant County has a program and some juveniles under supervision of TCJS, whether it is through the probation department or the detention center, are still afforded an opportunity for education.

## 3.4 CHILD PROTECTIVE SERVICES

**3.4.1 Rescue of DMST Victims.** CPS investigates allegations of child abuse and neglect within families. Therefore, if a child's aggressor is not a family member, then CPS would not be involved. Of the few DMST victims identified by CPS, the average age range of the girls was 15-16 years. Through the investigative process, the abuse allegation was substantiated though it was not specific to DMST and the DMST victims were removed from the home. It is sometimes difficult to place victims of DMST in foster homes, especially where other children are present, due to their behavioral issues, such as alcohol/drug use, chronic running away, and overt sexual behavior. Therefore, they often are sent outside of the county to group homes or shelters, since there are no residential treatment centers (RTCs) or long-term residential centers in the county for these children.

**3.4.2 Restoration of DMST Victims.** Once a DMST victim is taken into custody by CPS, a suitable placement is sought - many of these girls are placed in RTCs outside of the county as there are none in Tarrant County. Victims may stay in the RTCs as long as needed until they age out of care. CPS attempts to find a family with which to place the girl before she turns 18 so that she establishes a family unit and a base of support. These victims are provided free healthcare, and the CPS interviewee stated that some girls go on to college or trade school.

**3.4.3 Placement.** There are limited placement options for DTMs in the Fort Worth/Tarrant County area. There is only one adolescent shelter in the county that offers shelter for runaway and homeless youth ages 10-17. There are no youth shelters on contract with CPS in the area; as a result, the minor is sent to a group home or shelter outside of the county, or some youth may be placed in foster homes within the county. Youth are afforded counseling and rehabilitation opportunities through various community agencies to address specific needs, such as alcohol/drug abuse, mental health issues, and psychological/emotional problems. The lack of appropriate placement options can have a devastating effect of DTMs. For example, one DMST victim exploited through prostitution that had become pregnant was repeatedly sent to treatment facilities for substance abuse or shelters in other counties due to lack of services available for DTMs in the Fort Worth/Tarrant County area. The young girl continued to run away from these facilities until a secure placement was located in a West Texas county.



## 3.5 NGOS/SOCIAL SERVICE PROVIDERS

**3.5.1 Legal access to services.** Children in the state of Texas have access and a right to crisis intervention services and outpatient services by the social service agencies within the state. Chapter 56 of the Texas Code of Criminal Procedure relates to rights of crime victims (see Appendix I). Specifically, upon meeting certain qualifications, victims of a crime may receive monetary compensation due to losses related to their victimization, counseling services through a private entity, and assistance for vocational or other rehabilitative services through a state agency. However, a victim loses eligibility for the Texas Victims of Crime Compensation fund if s/he is believed to contribute to the crime or the benefits may be lessened if the victim is believed to have engaged in behavior that contributed to the crime.<sup>42</sup> Due to the practice of arrest and detaining DTMs, children may lose their eligibility to this program.

**3.5.2 Shelter Restrictions.** There are few runaway shelters in the Fort Worth/Tarrant County area for youth. Youth who wish to stay in shelters must also consent to participate in subsequent meetings with parents.

**3.5.3 Protocols.** Participants stated a culture of engaging in evidence-based practices. Interviewees are very knowledgeable of the protocols for their respective agencies and have in-depth understanding of the requirements and subtleties of their work. Though specific protocols for response and protection for DMST victims were not able to be identified, participants believed that protocols already in place could be used for a DMST situation with some adjustments. Service providers have developed response protocol to child victims of sexual abuse and intense trauma and are eager to expand these protocols to address the unique and different needs of victims of DMST. The protocol for children who abscond from runaway shelters requires immediate notification to CPS. Social service providers reported a high level of collaboration with CPS.

**3.5.4 Addressing the role of prior sexual abuse in DMST.** In current programming, DMST is viewed primarily through a sexual abuse lens with the unique characteristics involved in child trafficking regarded as secondary. Participants stated a need for programming and services that address the issue of DMST directly, whether the perpetrators are familial or third party. Consideration must also be given to the frequent history of abuse that may be present in the home or the past of the child. As interviewees learned more about the issue of DMST social service providers stated a better understanding of the unique factors to DMST victimization and more ways their individual agency programming could be better adapted.

**3.5.5 Addressing the Role of Traffickers/Pimps.** There is no programming that addresses the psychologically debilitating impact of having been prostituted by a trafficker/pimp, significant other, or family member. Ironically, many social service interviewees repeatedly mentioned issues regarding trauma bonds between the victim and perpetrator, as well as the victim having a false sense of security along with the fear that is frequently associated with revealing the identity of the pimp. However, this trauma bond has not been identified as a DMST-specific phenomenon or encapsulated in a training for identification of DMST victims.

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<sup>42</sup> TCCP, Art.56.32(4).

**3.5.6 Risk Factors.** Participants stated multiple risk factors for DMST currently in existence in the Fort Worth/Tarrant County area. In particular, adolescent females were deemed a particular risk group. One interviewee referenced nearby trailer park neighborhoods as sites for DMST of teen girls, some as young as 13 years old. Other risk factors cited were broken families, chronic running away, and substance abuse. It was agreed that risk factors transcend race and ethnicity. Furthermore, proximity to high traffic areas, such as adult night clubs, identifiable shopping strips or strip malls, and massage parlors, plus easy access to low price hotels/motels was believed to provide opportunities for these crimes to take place undetected.

**3.5.7 NGOs with Services Available for DTMs.** Although all of the interviewees representing various social services organizations within the community indicated they had no specific treatment or counseling programs for DTMs, they all offer services for victims of sexual abuse. One interviewee stated that a residential program for adolescent females at a halfway house will be open in July 2008 to address the special needs of this population. Eight adolescent females slated to enter the program were identified by counseling staff as victims of DMST. Many of the agencies mentioned that despite this apparent shortcoming, they believed they were able to meet the needs of DTMs. In particular, they spoke of a myriad counseling modalities and the ability to make referrals to other agencies. Some of these agencies are described below:

**Fort Worth Alliance for Children** is a nonprofit child advocacy center which brings together professionals responsible for investigating allegations of child abuse and neglect while providing services to victims. Representative agencies at the center include police investigators, CPS, Tarrant County DA's Office, and Cook Children's Medical Center. In addition to investigative services, Alliance for Children offers clinical and educational services to victims and the community. Alliance for Children is a fully accredited member of the National Children's Alliance, a membership association of over 300 children's advocacy centers, and is a founding member of Children's Advocacy Centers of Texas, a membership organization of over 60 Texas children's advocacy centers.<sup>43</sup> There are three locations in the Tarrant County area, Fort Worth, Arlington, and Hurst. The Alliance locations are child-friendly with toys and bright colors that provide a home-like atmosphere for children who have been traumatized through abuse and neglect.

**Lena Pope Home** has been serving the citizens of Tarrant County for over 70 years. Established in the 1930s to help families and children, services have expanded throughout the years and now Lena Pope Home offers an array of programs including counseling and crisis intervention, education services, foster care services, adoption services, and special services for juvenile probation. In 2006, more than 20,000 children and families were served by the Lena Pope Home. The home receives its referrals from the community, schools, Texas Youth Commission, insurance companies, juvenile probation department, and CPS.

**Safe Haven of Tarrant County** is the result of a merger in 2006 of The Women's Haven of Tarrant County and the Women's Shelter in Arlington. This consolidation has resulted in stronger, more diverse programming and services for victims of domestic violence. Safe Haven offers a 24-hour hotline operated by trained volunteers, two emergency shelters that offer meals, clothing, transportation, personal care items, legal assistance, educational programming, and childcare.

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<sup>43</sup> <<http://www.allianceforchildren.org/index.asp?id=3&menu=about%20afc>>. Accessed on May 17, 2008.

Transitional services are offered for women and their children who need assistance in leaving a negative home situation to a safe and independent living arrangement. Transitional clients receive career counseling and financial planning assistance, legal resources, community support services, parent training, life skills, and rental assistance. Clients' participation in this program ranges from three months to two years.<sup>44</sup>

Safe Haven offers a variety of counseling programs to address the specific needs of its clientele in addition to providing counseling for batterers. Examples of counseling services include support groups, play therapy, education for victims regarding domestic violence, case management, and legal advice/counseling. Many of these programs are offered free of charge for indigent women and children. The agency also engages in educating the public on the issue of domestic violence by providing programs to children of all ages, elementary through high school, community groups, businesses, law enforcement, and faith-based organizations.

***The Women's Center of Tarrant County***, founded in 1979, provides rape crisis and victim services, counseling, and employment solutions for women, men, children, and families. Clinical counseling is available for adult and child survivors, their families, and others impacted by violent crime, including sexual assault, sexual abuse, physical assault, domestic violence, homicide, and other crimes. Victims are provided support and accompaniment through the criminal justice process. Sexual abuse prevention training is provided to members of the community including school children, adults, law enforcement personnel, prosecutors, and other professionals.<sup>45</sup> Over 88,000 people were served last year alone by the agency.

***All Church Home for Children (ACH)*** is a nonprofit children and family services organization located in Fort Worth, Texas. ACH has been serving children and families in the greater Tarrant County area since 1915.<sup>46</sup> All Church Home for Children's continuum of care offers immediate and long-term services for at-risk and homeless children, youth, and families struggling with life's challenges. In addition to numerous counseling and clinical services, ACH operates a youth outreach, which provides direct interaction with homeless and runaway youth in Fort Worth. The outreach program facilitates "direct access to emergency resources and counseling for homeless youth, and provides safety and resource information to youth at risk of homelessness."<sup>47</sup>

ACH also provides two shelter options. "The Bridge offers homeless and runaway youth, ages 10-17, emergency housing, and care while ACH works to reunite them with their families or find a safe and meaningful alternative living arrangement."<sup>48</sup> The second shelter option is Wedgewood Residential. This facility "offers a safe, stable, and nurturing home for children and youth, ages 4-18, who are unable to live with their own families. The program provides basic and therapeutic services in safe residential group care that:

- Assist children, youth, and their families through crisis
- Promote family reunification where possible
- Secure and/or provide the optimal level of living for each child<sup>49</sup>

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<sup>44</sup> <[http://www.womenshaven.org/content/who\\_are\\_we.html](http://www.womenshaven.org/content/who_are_we.html)>. Accessed on May 18, 2008.

<sup>45</sup> The Women's Center brochure. <[www.womenscenter.info](http://www.womenscenter.info)>. Accessed on May 20, 2008.

<sup>46</sup> All Church Home for Children. <[www.allchurchhome.org](http://www.allchurchhome.org)>. Accessed on July 7, 2008.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

### 3.6 CONCLUSIONS

Law enforcement, prosecutors, social services, and many of the other interviewed professionals have difficulties identifying individuals who currently are or have been victims of DMST. The lack of systematic identification results in various labels that affect both the rescue and restoration of the victim. When a situation of DMST is identified, the sexual abuse or assault component of the crime is focused on, traditional child sexual abuse, and the unique components of DMST are viewed as secondary.

Most interviewed agencies do not have a preset, form protocol or plan in place to facilitate both the identification and subsequent rescue of a DTM. Victims that have been identified were done so through multiple methods, many of which were informal, or through the investigation or addressing of a related problem, such as delinquent behavior or a related crime.

Participants reported a difficulty in obtaining placement for DMST victims due to the sophistication and threat of the trafficker/pimp and/or due to problematic behavior exhibited by the victim. Interviewees stated that there are simply not enough residential programs or placement centers for the victims of DMST, either through CPS or social services. As a result, some victims are placed in non-protective settings, such as a crisis shelters or juvenile detention.

Interviewees believe that there is a need for greater specialization and better responses to the physical and psychological impact of human trafficking. However, there are many well-regarded agencies that have the programmatic basis to develop and provide varying levels of support for DMST victims.

## 3.7 BEST PRACTICES & GAPS

**3.7.1 Best Practices.** There is an elaborate network of agencies that can be used as referral sources for children who are in need of services throughout Tarrant County. Recognizing the unique needs of the DMST population, law enforcement victim assistance personnel strongly advocate for appropriate shelter and services. Specialized units within law enforcement have increased the identification and subsequent rescue of DMST victims.

The Arlington Police Department has an award-winning relationship with The Women's Shelter of Tarrant County, and has been recognized at the national level for its innovative practices to improve delivery of services to victims of crime. Prosecution personnel attempt to link victims with appropriate assistance to ensure that exposure to the criminal justice system is not intimidating.

All participants exhibited concerns about the general safety and protection of children who had been referred to their respective agencies. Many of the social service agencies had respectable relationships with CPS and exhibited a high degree of professionalism while providing evidence-based practices. Though DMST specific programming is lacking, there is a comprehensive social service network in place that could be adapted to working with this population.

**3.7.2 Gaps.** Sharing of information among all agencies and within law enforcement agencies is deficient. Because so few individuals have been trained, information is not reaching those personnel within agencies who have been trained to adequately handle DMST victims. As a result, one FWPD ATU interviewee stated she had to look in local newspapers to identify victims. This apparent lack of protocol and information sharing among divisions within the department severely hinders the rescue and protection of DTMs. There is also a need for greater interface between local and federal agencies.

There is a major concern about the limited number of crisis and/or runaway shelters for children who have been victimized by sex trafficking. Limited access to protective shelters for DMST victims leaves law enforcement with few options outside of juvenile detention, which can hinder access to services and revictimize the minor. In addition, this limitation in options continues the cycle of treating the victim as a delinquent and obstructs the development of a trusting relationship that could lead to cooperation in the criminal case against her trafficker/pimp.

With respect to protection, it is apparent that many agencies do not have formal identification methods nor maintain statistical data about the incidence and frequency of DMST. With no clear understanding as to the scope and local characteristics of the problem, as well as the misidentification of victims, the rescue, protection, and restoration of DTMs is severely limited.

## Overall Conclusions

Domestic minor sex trafficking (DMST) victims are often misidentified or are not identified in the Fort Worth/Tarrant County area. Many agency representatives interviewed for this research project point toward a lack of adequate training and protocol to aid in the identification of this population. The lack of understanding of the term DMST appears to be one of the root causes for the deficiencies regarding prevention, prosecution, and protection of DMST victims.

In addition, very few public awareness campaigns on DMST exist in the Fort Worth/Tarrant County area; the one major exception reflects the efforts made by the Fort Worth Police Department Anti-Trafficking Unit. This Unit is relatively new and is still struggling to train professionals and raise awareness in the community on this issue. There are, however, prevention programs and awareness campaigns geared towards community members, professionals, and children on the issue of child sexual abuse. While these programs do not currently include any DMST specific information, there remains a solid foundation in the Fort Worth/Tarrant County area for such a development.

With regard to prosecution of traffickers/pimps, there have been few prosecutions of traffickers and buyers due to so few DMST victims being identified. Conversely, prosecution efforts are very strong in the area of child pornography, online solicitation of minors, sexual performance of a child, sexual assault of a child, and other related offenses. Surprisingly, state prosecutors interviewed for this assessment were only vaguely familiar with the TVPA, and did not appear to realize that force or coercion of the victim into such activity was not necessary for prosecution under the federal law. Buyers of children and a facilitator of DMST have been arrested, though at the time of this assessment, the case had not moved forward. This is a positive step forward and reflects a prevailing belief among the interviewees that victims of DMST are in fact victims and that the different perpetrators involved must be addressed.

Though participants overwhelmingly stated the belief that DTMs are victims, minors exploited through domestic minor sex trafficking are being detained in the juvenile justice facility. Two rationalizations were given for this: 1) the lack of protective, restorative placement for the victim; and 2) the need of law enforcement officials and prosecutors for easy access to the victim. It should be noted, however, that law enforcement does not detain other victims of child sexual abuse. The arrest and detainment of DMST victims results in re-traumatizing the minor, hindered or blocked access to services, negates incentives for the victim to cooperate with authority figures, and pulls the victim deeper into the juvenile justice system. While protection is necessary for this vulnerable and high flight-risk group of juvenile victims, detainment in detention facilities cannot continue to be the only solution for their protection.

There are many established and well-regarded social service programs to help address the needs of children. NGOs/social services provide some restorative responses for DMST victims via counseling, education, advocacy, etc. It is also very evident that some agencies do not maintain statistics about the actual demographic population at risk. Based upon the statements of many of the interviewees, there is a need for greater specialization and better responses to the physical and psychological impact of sex trafficking on children in the Fort Worth/Tarrant County area.

# RECOMMENDATIONS

The recommendations below are based upon interviews and data collected throughout the course of the assessment. The participants gave some of the following recommendations, while others are based on the overall research findings.

## ***Training and Research***

Individuals who may possibly come into contact with DMST victims include, but are not limited to: personnel from law enforcement, prosecutorial staff, judiciary, juvenile justice, child protective services, nongovernmental organizations, and defense attorneys. These individuals must have a strong base of knowledge about this phenomenon and must continue training in this area.

1. There is a need for a major conference and/or regional workshops to assist in identifying the realities of DMST. These conferences and workshops would help abate the conceptual confusion that exists.
2. Training on DMST for all patrol officers and their supervisors should be mandatory in law enforcement agencies. Law enforcement officers, especially patrol officers, are the most likely professionals to make first contact with a potential DTM. If officers do not know what to look for or how to identify victims, these children may never be rescued. Likewise, training on the state and federal anti-human trafficking law is necessary for both prosecutors and law enforcement so that further investigations can commence. Furthermore, victim-sensitivity training for law enforcement personnel regarding DMST victims and victim-sensitive interviewing is necessary to eliminate the negative treatment and/or reaction to these victims.

## ***Identification of DMST Victims***

The first step in rescuing and responding to DMST victims is to identify them. Many times victims' hardened attitudes and involvement in illegal activities make it difficult for professionals who may come in contact with DMST victims to respond appropriately. Thus, many children forced into prostitution or manipulated into such acts are not identified or are misidentified as troubled teens or drug addicted juveniles.

3. It is necessary to develop protocol for identification of DMST victims in all agencies that may possibly come into contact with potential DMST victims. This includes but is not limited to law enforcement, prosecutors, judiciary, juvenile justice, child protective services, non-governmental organizations, and defense attorneys. Agencies should develop data collection methods so that the scope and characteristics of DMST in Fort Worth/Tarrant County can be further understood and researched. Such measures may have to be legislatively mandated for certain governmental entities.
4. Law enforcement agencies, particularly Anti-Trafficking and Victim Assistance Programs, should run daily queries on police reports involving runaways, arrested juveniles, and those identified as prostitutes to better identify potential DMST victims. These reports should be followed up on immediately by specialized officers and social workers trained in DMST victim identification and response.

## ***Public Education and Community Awareness***

5. There is a need to make greater use of public service announcements and any other outreach program designed to engender an awareness of the problem. Preexisting awareness campaigns and prevention programs on sexual abuse can be modified to include the components of DMST.

### ***Prosecution of Traffickers/Pimps and Buyers***

The prosecution of traffickers and buyers is vital to effectively combat DMST. By curtailing the demand for minors for commercial sexual encounters, the profitability of the crime can be diminished and the traffickers dealt with in a more effective manner. All perpetrators and facilitators of DMST should be tried to the fullest extent of the law.

6. Formal policies need to be developed and implemented regarding the prosecution of traffickers/pimps, facilitator of DMST, and buyers of children. Currently, activities to apprehend buyers and facilitators of DMST should be applauded and expanded upon. Proactive, victim-centered investigative and prosecutorial methods must be employed.

7. Texas legislation must change so the burden of proof is not on the minor victims to prove their victimization. Elements of force, fraud, or threat which are currently required in the Texas anti-trafficking law should not be necessary to prove a situation of DMST since the victim is underage. If the evidence is present, traffickers should be brought to trial even if their minor victim is unwilling to testify against them in open court, similar to the policy on domestic violence prosecution. Provisions must be exercised for videotaped testimony for such victims.

### ***Services for Victims of Domestic Minor Sex Trafficking***

Restorative, comprehensive services for DMST victim are necessary to heal both the minor and any existing family. Without such services, the cycle of abuse is in danger of continuing and the minor is left vulnerable to further victimization.

8. There is a need for special counseling and specific DMST treatment programs in the Fort Worth/Tarrant County area throughout the investigative and prosecutorial processes. It was routinely noted by law enforcement that a victim's access to services and interaction with victim specialist staff increases trust and the victim's willingness to assist with the investigation and participate in the trial.

9. Appropriate, specialized, and safe shelter options for victims of DMST must be identified or developed. For every DMST victim identified, law enforcement officials are faced with the conflicting decision of protection for the victim versus their victim status and the appropriate placement for such a label. Of primary concern to interviewees is the victim's protection, as well as their own access to the victim as they develop their case against the trafficker/pimp. Due to the flight risk for victims and the very real threat posed by traffickers/pimps, law enforcement and prosecutors currently hold victims in detention. This is not an appropriate solution, and a task force must come together to facilitate the identification or development of a safe location for victims of DMST.

10. Programming and services specific to the issue of DMST must be developed, funded, and properly implemented. Current programming can be adapted to better service domestically trafficked minors; however, the unique characteristics of DMST must be taken into account (the existence of networks or perpetrators, the commercial component of victimization, the dual status of delinquent and victim under the law, etc.).

### ***Agency Issues***

Though there are many innovative and respected agencies, both governmental and private, in Fort Worth/Tarrant County, there are still gaps in protocol, collaboration, and policies that must be addressed if DMST is to be effectively combated and victims rescued and provided holistic restorative services.



11. Initiatives must be developed for better sharing of information between divisions within an agency and between agencies. This would require tracking the identification of victims, potential hotspots, etc., while also training different entities within an agency and throughout the community on the recognition of DMST warning signs. Members of an agency should not have to rely on the newspaper to learn of potential DMST situations within their own department. Additionally, better interface and exchange of information is necessary between different courts within Tarrant County (e.g., Family Court, juvenile justice, criminal court), prosecuting attorneys, CPS, and social services.

12. A regional and/or statewide meeting that brings together key frontline workers and policy makers is necessary to adequately develop a comprehensive response to DMST. Current issues, legislative changes, funding streams, and the creation of a DMST specific initiative should be discussed.

## APPENDIX A

### Texas Statute 20A. – Trafficking of Persons

#### PENAL CODE

#### CHAPTER 20A. TRAFFICKING OF PERSONS

##### Sec. 20A.01. DEFINITIONS. In this chapter:

(1) “Forced labor or services” means labor or services, including conduct that constitutes an offense under Section 43.02, that are performed or provided by another person and obtained through an actor’s:

(A) causing or threatening to cause bodily injury to the person or another person or otherwise causing the person performing or providing labor or services to believe that the person or another person will suffer bodily injury;

(B) restraining or threatening to restrain the person or another person in a manner described by Section 20.01(1) or causing the person performing or providing labor or services to believe that the person or another person will be restrained;

(C) knowingly destroying, concealing, removing, confiscating, or withholding from the person or another person, or threatening to destroy, conceal, remove, confiscate, or withhold from the person or another person, the person’s actual or purported:

(i) government records;

(ii) identifying information; or

(iii) personal property;

(D) threatening the person with abuse of the law or the legal process in relation to the person or another person;

(E) threatening to report the person or another person to immigration officials or other law enforcement officials or otherwise blackmailing or extorting the person or another person;

(F) exerting financial control over the person or another person by placing the person or another person under the actor’s control as security for a debt to the extent that:

(i) the value of the services provided by the person or another person as reasonably assessed is not

applied toward the liquidation of the debt;

(ii) the duration of the services provided by the person or another person is not limited and the nature of the services provided by the person or another person is not defined; or

(iii) the principal amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred; or

(G) using any scheme, plan, or pattern intended to cause the person to believe that the person or another person will be subjected to serious harm or restraint if the person does not perform or provide the labor or services.

(2) "Traffic" means to transport, entice, recruit, harbor, provide, or otherwise obtain another person by any means.

Added by Acts 2003, 78th Leg., ch. 641, Sec. 2, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 258, Sec. 16.01, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 849, Sec. 4, eff. June 15, 2007.

Sec. 20A.02. TRAFFICKING OF PERSONS. (a) A person commits an offense if the person:

(1) knowingly traffics another person with the intent or knowledge that the trafficked person will engage in forced labor or services; or

(2) intentionally or knowingly benefits from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services.

(b) Except as otherwise provided by this subsection, an offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:

(1) the applicable conduct constitutes an offense under Section 43.02 and the person who is trafficked is younger than 18 years of age at the time of the offense; or

(2) the commission of the offense results in the death of the person who is trafficked.

(c) If conduct constituting an offense under this section also constitutes an offense under another

section of this code, the actor may be prosecuted under either section or under both sections.

Added by Acts 2003, 78th Leg., ch. 641, Sec. 2, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 258, Sec. 16.02, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 849, Sec. 5, eff. June 15, 2007.

## APPENDIX B

### Regional Police Academy / Basic Course In Applied Police Science (BCAPS)

#### Academic Requirements

The Academy curriculum is a 618-HOUR BASIC PEACE OFFICER COURSE. In accordance with Commission regulations, the Basic Peace Officer Course shall consist of a minimum of 618 classroom hours and shall include, but not be limited to, the subjects set forth below. This is the recommended sequence for teaching the course. Academies may change the sequence, if necessary.



#### Basic Curriculum

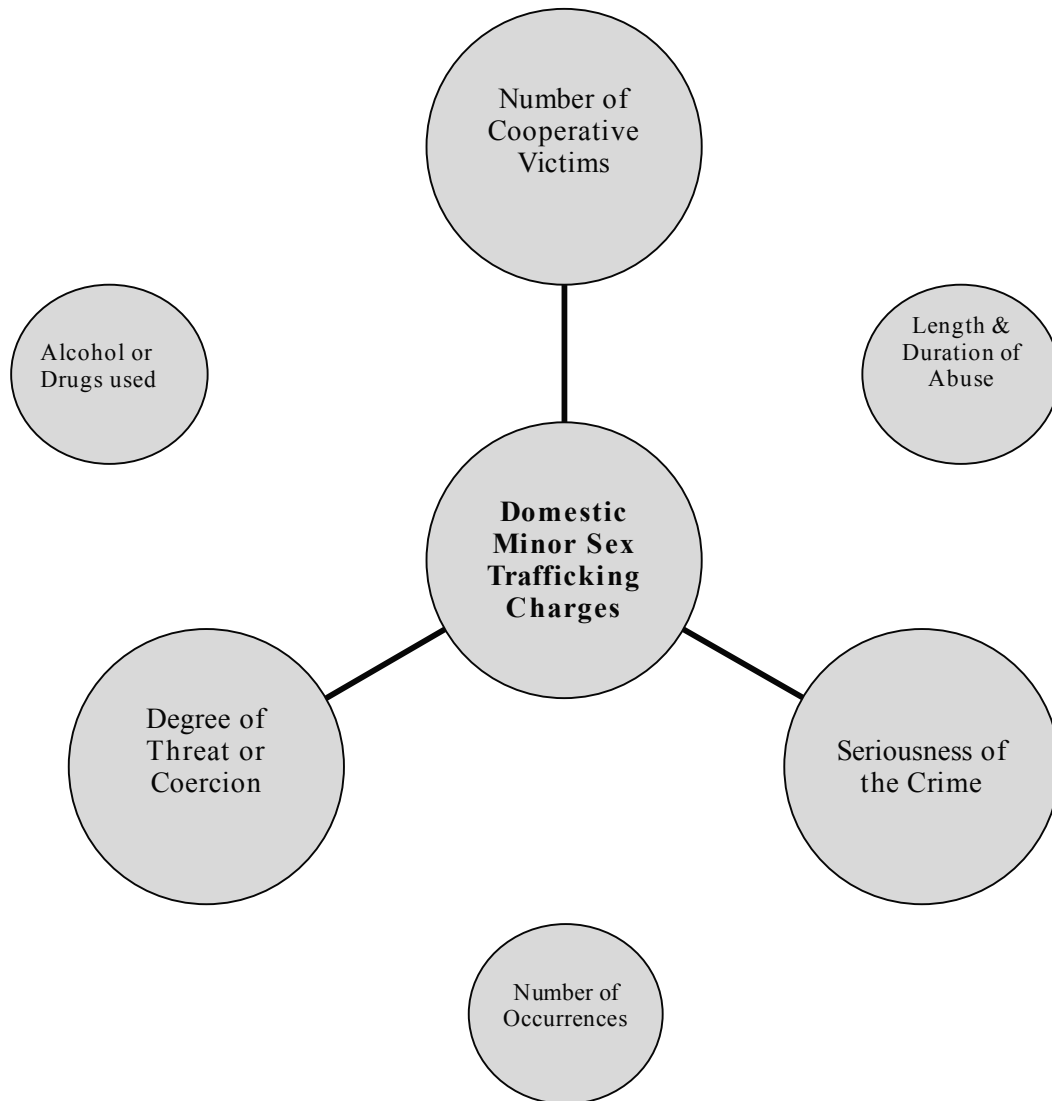
SUBJECT	HOURS
Introduction and Orientation	2
Fitness and Wellness, and Stress Management	14
Professional Policing	10
Professionalism and Ethics	8
U.S. & Texas Constitutions, Bill of Rights, and Criminal Justice System	12
Multiculturalism and Human Relations	12
Code of Criminal Procedure	16
Arrest, Search, and Seizure	24
Penal Code	40
Traffic	68
Intoxicated Driver and SFST	24
Civil Process	8
Alcoholic Beverage Code	4
Health and Safety Code - Controlled Substances Act	8
Family Code - Juvenile Issues	10
Written and Verbal Communications	28
Spanish	16
Force Options	24
Mechanics of Arrest	40
Firearms	40
Emergency Medical Assistance	16
Emergency Communications	12

Professional Police Driving	32
Problem Solving and Critical Thinking	4
Patrol/Consular Notification	42
Victims of Crime	10
Family Violence and Related Assaultive Offenses	20
Crisis Intervention Training (CIT) and Mental Health Code	24
Hazardous Materials Awareness	6
Criminal Investigation, including Introduction, General, Protection of and Crime Scene Search, Interviewing Techniques, Booking Procedures, Courtroom Demeanor and Testimony, Case Management	44

(Source: [http://www.nctcog.org/cs/rpa/basic\\_curriculum.asp](http://www.nctcog.org/cs/rpa/basic_curriculum.asp))

## APPENDIX C

### Factors Considered When Pursuing State Charges against Traffickers



## APPENDIX D

### Texas Criminal Offense Classifications

Offense Classification	Range of Punishment	Fine
<b>FELONIES</b>		
Capital	Death or Life in Prison w/o Parole	
1 <sup>st</sup> Degree	5-99 yrs. or Life in Prison	Up to \$10K
2 <sup>nd</sup> Degree	2-20 yrs. in Prison	Up to \$10K
3 <sup>rd</sup> Degree	2-10 yrs. in Prison	Up to \$10K
State Jail (or 4 <sup>th</sup> degree)	180 days to 2 yrs. in a State Jail Facility	Up to \$10K
<b>MISDEMEANORS</b>		
Class A	Up to 1 yr. in jail	Up to \$4K
Class B	Up to 180 days in jail	Up to \$2K
Class C	No jail	Up to \$500

(Source: Stevens, K. 2007. "Texas Offense Classifications.")



## APPENDIX E

### General Statistical Information for Prostitution & Related Offenses, 2000-2008 Tarrant County Juvenile Services

<b>Prostitution Related Offense Referrals 2000-2008</b>	<b>Year</b>	<b>Total Referrals</b>	
	2000	3	
	2001	1	
	2002	7	
	2003	6	
	2004	5	
	2005	2	
	2006	3	
	2007	6	
	2008	2	
	<b>Total</b>	<b>35</b>	
<b>Prostitution Related Offense Details 2000-2008</b>	<b>Offense</b>	<b>Number of Referrals</b>	<b>Percentage of Total</b>
	Prostitution (of self)	25	71%
	Poss./Promotion of Child Pornography	7	20%
	Sexual Performance of a Child	1	3%
	Promotion of Prostitution	2	6%
	<b>Total</b>	<b>35</b>	<b>100%</b>
<b>Age at First Referral 2000-2008</b>	<b>Age in Years</b>	<b>Number</b>	
	12	1	
	13	5	
	14	4	
	15	12	
	16	13	
	<b>Total</b>	<b>35</b>	
	<b>Average age</b>	<b>14.8</b>	
<b>Racial Breakdown of Prostitution Referrals</b>	<b>Race</b>	<b>Number of Referrals</b>	<b>Percentage of Total</b>
	Caucasian	13	37%
	Hispanic	5	14%
	African American	16	46%
	Asian	1	3%
	<b>Total</b>	<b>35</b>	<b>100%</b>

## **APPENDIX F**

### **Child Protective Services Public Education Campaign “It’s Up to You!”**

see: <http://www.dfps.state.txTexas.us/itsuptoyou/pdfs/CommunityActionPlan.pdf>

# It’s Up to You

## Community Action Plan

### Community

Children are a vital part of our communities. . Their development will determine the circumstances in which we live. It's up to us as a community to make a difference in our children's lives. It's up to all of us to keep children safe from abuse and neglect. We can do this as individuals and together as a community. It's as simple as everyday conversation.

It can be very uncomfortable to watch an out-of-control adult mistreat a child. Fortunately, there are things you can do to help.

s Start a conversation with the adult to direct attention away from the child.

“She seems to be trying your patience.”

“My child has gotten upset like that, too.”

“He has beautiful (eyes).”

“Children can wear you out, can't they? Is there anything I can do to help?”

s Divert the child's attention, if misbehaving, by talking to the child.

s Look for an opportunity to praise the parent or child .

s If the child is in danger, offer assistance. For example, if the child is left unattended in a grocery cart, stand by the child until the parent returns.

s Avoid negative remarks or looks. These reactions are likely to increase the parent's anger and could make matters worse.

In addition to simple personal interaction, you can become a leader in your community by promoting child abuse prevention. Use this kit and the child abuse prevention website – **www.itsuptoyou.org – to make child abuse prevention efforts thrive in all aspects of community:**

- teachers and child-care providers;
- neighbors;
- faith community members;
- businesses;
- media; and
- youth sports coaches, players and spectators.

**It's Up To You as a community to prevent child abuse.**

# It's Up to You

## Community Action Plan

### Teachers and Child-Care Providers

- s Copy activities from the Child Abuse Prevention Kit and send home with the children.  
Examples are coloring activities and bookmarks.
- s Have children create child abuse prevention bulletin boards.
- s Designate Blue Ribbon Day on campus.
- s Have your classes design and create blue ribbons, or use the one provided in this kit, to wear in April.
- s Help "Stomp Out" child abuse by having children collect new pairs of socks and donate **them to the local Rainbow Room or Child Protective Services office.**
- s Hold a Teddy Bear drive for your local police department or Children's Advocacy Center for children in crisis.
- s Send child abuse prevention information home in homework folders or report cards.
- s Have your classes adopt a CPS caseworker by providing items, such as new clothing, to the children they serve.

## Community Action Plan

### Neighbors

- i
- We need to do our part to increase public and private investment in our neighborhoods. Get to know your neighbors. Learn to recognize any problems that may lead to abuse or neglect. It's up to us as a community and neighbors to protect our children from abuse and neglect.
- s Host an ice-cream social on your street to get to know your neighbors.
  - s If you see a child under 5 alone, stop and help locate their caregiver.
  - s Offer a helping hand for single parents in your neighborhood. For example, baby-sit, cook a meal or transport children.
  - s Help form an after-school "Safe House" for children.
  - s Volunteer at your local school, Rainbow Room, social service agency's children's shelter or CPS office.
  - s Be a mentor to neighborhood youth.
  - s Host a basketball, baseball or soccer game to encourage relationships between children in the neighborhood.
  - s Start a playgroup in your neighborhood.



# It's Up to You

## Community Action Plan

### Faith Community

Spiritual leaders can use their messages as a positive force in supporting child abuse and neglect prevention.

- s Copy and distribute materials from the Child Abuse Prevention Kit through Sunday-school classes and the church bulletin.
- s Offer respite care to congregation and community members in need of short-term relief from care-giving and foster-care responsibilities.
- s Establish a mentoring program to work one-on-one with children and families to offer positive role models.
- s Provide information on child development, parental stress and community resources for parents during counseling sessions.
- s Share information on how to report child abuse and neglect and other prevention hotlines in bulletins and newsletters.
- s Sponsor on-site, after-school programs and safety trainings for children.
- s Partner with your local Children's Advocacy Center or child welfare board to host an **information meeting on child abuse prevention and/or how to become a foster/adoptive parent.**
- s Train religious and lay leaders to recognize the signs and symptoms of child abuse and **neglect, to work with victims and their families, and to make appropriate referrals.**
- s Develop parenting and child development curricula as part of church education and outreach.
- s Develop training programs for youth in your congregation who want to be babysitters. Use the material provided in this kit as part of that training.
- s Celebrate children and families by holding a "family affair day."
- s Host a book drive for new books and donate them to your local Rainbow Room or children's shelter.
- s Organize a baby shower to collect diapers, formula, car seats and other supplies to support families in need, including foster families. Donate these items to your local Rainbow Room or CPS Office.
- s Participate in the Adopt-A-Caseworker program. Contact your local CPS office or Community Partners group for more information.



# It's Up to You

## Community Action Plan

### Businesses

- s Designate Blue Ribbon Day. Distribute blue ribbons to your employees to wear during April — Child Abuse Prevention Month.
- s Adopt your local Rainbow Room or children's program at holiday time or throughout the year. Provide gifts and contributions for children and families.
- s Invite a CPS worker, child welfare board member or a Family Pride Council/Community Coalition member to speak at company meetings or staff retreats.
- s Encourage employees to donate their time and expertise to child abuse prevention programs by offering paid leave for volunteer activities.
- s Include child abuse prevention awareness messages in your company's advertising.
- s Encourage business-related organizations, such as a Chamber of Commerce, to hold educational meetings and distribute child abuse prevention materials, such as this kit.
- s Provide information on child abuse prevention, including signs, symptoms, effects and resources. Give this information through company newsletters, bulletin boards, lunch and recreation areas, and paycheck inserts.
- s Promote volunteerism in your place of business.
- s Encourage volunteering at your local CASA chapter, Children's Advocacy Center, Rainbow Room, school, parenting program and youth sports program.
- s Sponsor a backpack collection drive for children in the care of CPS. Donate to your local Rainbow Room or local CPS office.
- s Participate in the Adopt-A-Caseworker program. Contact your local CPS office or Community Partners group for more information.
- s Examine your business to determine if it is "family friendly?" Provide parent education materials to employees. Help working parents be sure they understand and choose quality child care.
- s Develop "family friendly" policies that allow parents to make their children a priority. This could include flexible scheduling so parents can get their kids to school or pick them up from school.
- s Donate office space for parent education seminars or other similar meetings.

# It's Up to You

## Community Action Plan

### Media

- s Promote April as Child Abuse Prevention Month.
- s Contact a CPS public information officer for story ideas, interviews and information on child abuse prevention.
- s Profile community leaders, teachers and parents who take an active role in child abuse prevention as part of people-who-make-a-difference stories.
- s Follow tragic news stories about child abuse with stories on how to prevent similar tragedies in the future.
- s Develop news stories educating the public about the ramifications of child abuse and **neglect. For example, abused and neglected children are more likely to abuse and neglect their own children, encounter lifelong medical and psychological problems, and become involved with our criminal justice system.**
- s Volunteer to provide advice or training on working with the media or to serve on boards of local child abuse prevention coalitions.
- s Advocate for donated print space or airtime for public service announcements supporting child abuse prevention.
- s Advertise your organization as a vital part of the community by running the It's Up to You **advertisements with your logo attached.**
- s Publicize local business' efforts to support child abuse prevention in the community.
- s Encourage employees to wear blue ribbons in support of Child Abuse Prevention Month.
- s Link your website to the It's Up to You child abuse prevention website – **[www.itsuptoyou.org](http://www.itsuptoyou.org).**



# It's Up to You

## Community Action Plan

### The Future Of Youth Sports

#### Why Children Play Sports

- Fun
- Learn and improve skills
- Be with friends and make new ones
- Excitement
- Feeling successful or like a winner
- Exercise and become physically fit

#### Why Children Drop Out of Sports

- Not enough playing time
- Being criticized and insulted
- Mismatching
- Stress
- Feeling failure or like a loser
- Poor organization

#### The Child-Centered Coach

s understands the child is the center and main reason why the game is played.

s promotes winning as a feeling. Winning is knowing that you have done your best.

s praises players for being and doing.

s uses only gentle touch and respects the privacy of a child's body.

s motivates the players to provide continuous, positive support for all team players.

s uses comparable playing time to give everyone a moment of glory.

s creates a mood that makes the game fun.

s expects a child to perform only as much as the child's age allows.

s establishes clear expectations and standards of conduct that promote success and sportsmanship!

s encourages appropriate behavior by using praise, appropriate touch and privileges.

s treats his or her players with respect when administering discipline.





# APPENDIX G

## Juvenile Services

### Continuum of Services



#### Prevention

Choices (prevention program for elementary/middle school children)  
First Offender Program

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#### Immediate

Supervisory Caution  
Victim Assistance Unit (VAU)  
Victim-Offender Mediation  
Neighborhood Conference Committee (NCC)  
Juvenile Drug Court Program  
Deferred Prosecution Probation (DPP)  
Community Services Restitution (CSR)  
Monetary Restitution  
Community Based Detention (CBD)  
Home Detention / Electronic Monitoring (HD-EM)  
Detention Center

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#### Intermediate

Court-Ordered Probation Supervision  
Non-Traditional Probation Supervision (NTPS)  
Professional Contract Services/CRCG  
Contract Alternative Education  
Family Preservation  
Tarrant County Advocate Program (TCAP)  
Juvenile Justice Alternative Education Program (JJAEP)  
Joint Project/Family Partnership Program  
Sex Offending Caseload  
Intensive Supervision Probation (ISP)  
ISP/Electronic Monitoring Program  
Female Intervention Program (probation only)  
Residential Placement

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#### Secure Care

Specialized Treatment for Offenders Program (STOP)  
Texas Youth Commission

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#### After Care

Family Support Program

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## APPENDIX H

### Texas Family Code Chapter 261.101 and .102

§ 261.101. . PERSONS REQUIRED TO REPORT; TIME TO REPORT. .

(a) A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter.

(b) If a professional has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has cause to believe that the child has been abused as defined by Section 261.001 or 261.401, the professional shall make a report not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code. . A professional may not delegate to or rely on another person to make the report. . In this subsection, "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. . The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

(c) The requirement to report under this section applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, and an employee of a clinic or health care facility that provides reproductive services.

(d) Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only:

- (1) as provided by Section 261.201; or
- (2) to a law enforcement officer for the purposes of conducting a criminal investigation of the report.

Added by Acts 1995, 74th Leg., ch. 20, § 1, eff. April 20, 1995. .  
Amended by Acts 1995, 74th Leg., ch. 751, § 87, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 162, § 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 575, § 11, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1022, § 65, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, § 6.29, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1150, § 2, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1390, § 21, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1420, § 5.003, eff. Sept. 1, 2001.

§ 261.102. . MATTERS TO BE REPORTED. . A report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect.

# APPENDIX I

## Chapter 56 of the Texas Code of Criminal Procedure Article 56.02 – Crime Victims’ Rights

Art. 56.02. CRIME VICTIMS' RIGHTS. . (a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;

(3) the right, if requested, to be informed:

(A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and

(B) by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;

(4) the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;

(5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;

(6) the right to receive information regarding compensation to victims of crime as provided by Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment for a medical examination under Article 56.06 for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

(7) the right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the

victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;

(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;

(11) the right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection and testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS, if the offense is an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code;

(12) the right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice;

(13) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:

(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and

(B) by the Board of Pardons and Paroles before an inmate is released on parole; and

(14) except as provided by Article 56.06(a), for a victim of a sexual assault, the right to a forensic medical examination if the sexual assault is reported to a law enforcement agency within 96 hours of the assault.

(b) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the right to be present at all public court proceedings related to the offense, subject to the approval of the judge in the case.

(c) The office of the attorney representing the state, and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by Subsection (a) of this article and, on request, an explanation of those rights.

(d) A judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this article. . The failure or inability of any person to provide a right or service enumerated in this article may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition. . A victim, guardian of a victim, or close relative of a deceased victim does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.