

VAGRANTS, VIXENS, AND VICTIMS: EXPLORING THE LIMITATIONS OF
HUMAN TRAFFICKING VICTIM RECOGNITION CRITERIA IN TEXAS

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BY

EMILY H NOVAK, B.A.

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DEDICATION

To my Grammie, Elaine Johnson, my mother and stepfather, Dilsa and David Johnson, my father, Robert Novak, and my siblings, William Johnson and Eric Novak. Thank you for your unwavering encouragement, support, and love. I dedicate this thesis to you in memory of Adolfo León Diaz and Christine Rody. My dearest Abuelito, I hope you are proud of me.

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ABSTRACT

EMILY NOVAK

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Major trends in scholarship claim that law enforcement's ability to recognize trafficked victims is limited (Farrell et. Al; Stolz; Uy), and that the majority of trafficking prevention occurs at a state level. Contextually situated in one of the United States' trafficking hot spots, Texas, this study determines some limits of state-led preventative efforts through an examination of minority victim identification criteria within current anti- trafficking trainings targeted at law enforcement and task forces. The disproportionate focus on sex trafficking, women, and girls is well documented in previous research as it results in frequent misidentification of non-normative victims. Thus, the study centralizes the importance of including populations considered 'particularly vulnerable' to human trafficking in trainings. Findings reveal that there is no attention given to LGBT individuals, Native American populations, and boys within anti- trafficking training curricula. By confirming the marginalization of some vulnerable populations in anti- trafficking trainings, future research and community policing efforts can use the findings to transform existing discussions about victim identification and comprehensive preventative strategies.

TABLE OF CONTENTS

	Page
DEDICATION	iii
ACKNOWLEDGEMENTS.....	iv
ABSTRACT.....	v
LIST OF TABLES	viii
LIST OF FIGURES.....	ix
CHAPTER	
I. INTRODUCTION.....	1
Human Trafficking in the Modern Era	2
Policy Overview.....	5
The Role of Anti-Trafficking Trainings	9
Methodology and Purpose	12
Summary of Findings.....	13
Impact of the Study.....	15
II. HUMAN TRAFFICKING IN SCHOLARSHIP	18
Challenging Issues	18
Data Discrepancies.....	21
What Causes Trafficking?.....	23
Tainted Policies and Distorted Perceptions	27
Evaluating State and Local Law Enforcement’s Identification of Victims ...	31
Human Trafficking Trainings for Law Enforcement.....	35
Summary	39
III. RESEARCH CONTEXT: TEXAS, TRAFFICKING, TRAININGS.....	42
A Closer Look at Trafficking in Texas	42

Research Overview	44
Limitations of the Study.....	45
Study Design, Methodology, and Purpose.....	48
Procedure to Determine Keywords: Qualitative Analysis of Previous Texts and Categorization of Vulnerable Populations	51
LGBT Individuals	52
Male Victims of Trafficking	52
Labor Trafficking.....	52
Native American Populations	53
Comparison to Women, Girls, and Sex Trafficking	54
The Trainings: An Overview	55
Textual Analysis of Two Federal Trainings	56
Procedure for Quantitative SAS Text Mining Analysis to Determine the Frequency of Population Demographic Representation	60
Findings and Discussion	61
Conclusion	66
 WORKS CITED	 71

LIST OF TABLES

Table	Page
1. Keywords and Modifiers.....	54

LIST OF FIGURES

Figure	Page
1. Victim Demographic Representation Found in TCLEOSE Trainings	63

CHAPTER I

INTRODUCTION

Slavery is one of humanity's most ancient practices. The earliest known records of bonded labor, the practice of holding another person captive until a debt is paid (also known as debt bondage), date back as far as 2000 B.C. in early Sumerian and Egyptian societies (Flynn-Paul 7).¹ Although governments worldwide have made several attempts to abolish the existence of slavery due to human rights concerns, global accounts of exploitative practices in labor remain widespread. Today, human trafficking, the name given to the most modern permutation of slavery, has been documented in every country around the globe to date (*TIP Report 2015*). From tiny fingers that weave carpets in India, to entire families ensnared in generational debt bondage in Pakistani brick kilns (Bales),² evidence confirms that humanity is still tripping over slavery's prehistoric roots after four thousand years. The International Labour Organization (ILO) currently estimates that 21 million men, women and children worldwide are involved in forced labor, although the exact numbers are unknown (7). Slavery today is not the same slavery that ancient societies once knew, and although the phenomenon has undergone significant changes,³ policy analysts and acclaimed experts on human trafficking, Amy Farrell and Rebecca

¹ In a common practice of taking prisoners after tribal or territorial skirmishes along trade routes or village attacks (Flynn-Paul).

² Generally. For more information on Pakistani brick kiln debt bondage, see Kevin Bales' *Disposable People* (2012), chapter five.

³ For more on this paradigm shift, see Kevin Bales' *Disposable People: New Slavery in the Global Economy*, 2012

Pfeffer, claim that the existence of trafficking in any community remains a “significant threat” to democratic values (“Policing Human Trafficking” 48).

Human Trafficking in the Modern Era

Human welfare concerns occupy a primary position among the threats associated with human trafficking. Treated as nothing more than commodities, victims are routinely stripped of their humanity. Some victims may undergo severe mental and physical “breaking in” processes at the hands of their traffickers that can include beatings, starvation, confinement and/or isolation, rape, public humiliation, threats against victims’ family members, and increased exposure to sexually transmitted diseases as well as other injuries (Cianciarulo 60). While physical harm is certainly a glaring indicator of abuse and exploitation, it is believed that many more victims are psychologically compelled to commit sexual acts or participate in slave-like labor conditions in exchange for social protection, emotional support, or simply because they lack other means to obtain needed resources. The Polaris Project, a widely known anti-trafficking non-governmental organization, explains that traffickers use these coercive tactics to keep victims fearful against seeking outside help in order to gain financially or otherwise (“The Victims and Traffickers”). Survivor stories from around the world have been captured and disseminated by scholar/activists like Kevin Bales in recent years to bring awareness to the horrors of human trafficking. Bales provides numerous examples of victims’ first-hand

experiences in *Disposable People* that are peppered with profound instances of sexual abuse, unfathomable violence, physical and emotional entrapment, and despair.⁴

The process of identifying victims is not a simple one. In order to operate, most victims and traffickers purposely remain hidden from the public eye (“What is Trafficking?”). This shrouded environment compounds victims’ vulnerability, as they often rely on their traffickers to fulfill basic needs such as food, shelter, and sometimes protection from government persecution. In the case of exploited migrant laborers, the U.S. Department of Justice shows that immigration agents and law enforcement routinely mistake acts related to trafficking as criminal behavior (for example, illegal alien smuggling) and prosecute victims in a manner consistent with the more obvious crime of smuggling or illegal entry (*TIP Report 2015*). Victims rarely self-identify as such when interacting with law enforcement out of shame, fear of violent retribution from their traffickers (Pennartz 371), and a perceived loss of personal agency. In some cases, victims are unaware that they are victims of a crime at all. Thus, the interactions between occlusion, dependence, shame, and distrust of authority create a large challenge for victim-centered anti-trafficking efforts.

Initiatives to combat human trafficking pose a range of legislative and practical challenges to countries and governments worldwide, and the United States enjoys no exception (Jones 483). Identified as the number three destination country for trafficked victims, the U.S. is particularly vulnerable to the effects of trafficking’s global increase (*id* Jones). An estimated 17,500 foreign nationals are trafficked into the United States each year to perform illegal labor or

⁴ For more information on the abuse of, rehabilitation strategies for, and circumstances faced by survivors of trafficking, as well as first-hand accounts, see: Kevin Bales (generally); and *United States v. Calimlim* case.

sex work, and even more are domestic citizens (“What is Trafficking?”). Yet despite the prevalence of human trafficking and significant legislative advances, several issues exist: First, research from Amy Farrell et Al., Derek Pennartz, Barbara Stolz, and others find that most people are unaware of the scope of human trafficking in the United States or believe trafficking is an issue (Pennartz 370). Second, according to state and federal government reports, legislative advances have yielded few official cases of human trafficking (“Policing Human Trafficking” 47). There is some debate to this claim, however. In the years following the first anti-trafficking policy measures, the U.S. Department of Justice has reported an increase in trafficking-related prosecutions (*TIP Report 2015*), but numerous researchers quickly identified inconsistencies in data collection and reporting methods. I discuss this point further in chapter two. Third, political scientists and policy analysts like Robert Uy claim that existing laws and discussions on trafficking remain overwhelmingly focused on sex trafficking of women and girls (Uy 206). The gendered focus of conversations surrounding trafficked victims is especially important to recognize because in practice, the laws are often interpreted in a much narrower view than written and ascribe to stereotypical views of victimhood that do not fully represent the trafficked populace (Uy, 206; “Policing Human Trafficking” 47). Feminist scholars have been particularly attentive to the intersecting relationships between gender, race, sexuality, and class status as factors that influence both political and practical responses. Detrimental effects of these stereotypes are well documented in previous scholarship and government reports to expose patterns of diverted attention and resources away from “non-traditional” victims.⁵ But despite

⁵ Here, non-traditionally identified victims include victims of labor trafficking, male victims of sex trafficking,

challenges in practice, legal regulations supporting anti-human trafficking efforts have made some positive impacts, both globally and within the United States. As such, Farrell and Pfeffer contend that the criminal justice system still provides an important mechanism to establish anti-trafficking norms within a society through legal regulation (“Policing Human Trafficking” 62).

Policy Overview

In 2000, the Clinton Administration passed the Trafficked Victims Protection Act (TVPA) as an aggressive response to large-scale, international human trafficking. The TVPA was created with a ‘victim-centered’ approach in accordance with a paradigm known as the three P’s: Protection, Prevention, and Prosecution. A fourth ‘P,’ partnerships, was added in 2009 during the Obama Administration (“The Four Ps”). The TVPA was the United States’ first federal legislation directed at ending international trafficking, and, as such, some heralded its passage as a monumental achievement (Holman 101).

The TVPA recognizes two types of human trafficking: labor trafficking and sex trafficking, with a separate “severe forms of trafficking” division under sex trafficking. Here, labor trafficking is defined as “labor or services, other than labor or services that constitute sexual conduct, that are performed or provided by another person and obtained through an actor’s use of force, fraud, or coercion.” By comparison, sex trafficking is defined as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.” The term ‘severe forms of trafficking’ applies to two distinct sets of circumstances, as (1) sex trafficking in which a commercial sex act is induced by force, fraud, or

U.S. citizens of sex and labor trafficking, LGBT populations, Native Americans, people with disabilities, and others. I discuss this topic at length in chapter two.

coercion, or in which the person induced to perform such act has not attained 18 years of age,” or (2) “the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery” (TVPA 2000 PL 106-136). The TVPA also contains provisions aimed at reducing trafficking domestically while protecting individuals trafficked into the country. Some provisions include increasing criminal penalties for traffickers, supplying eligible victims of international trafficking with federal services and benefits, and the issuance of a temporary visa for ‘cooperative’ non-immigrants called a “T-visa.” Marisa Cianciarulo points out that eligibility for a T-visa depends mostly on a victim’s “willingness or ability to assist with the investigation or prosecution of the trafficker,” thus exposing an area of concern for victims who may be reluctant or fearful of working with law enforcement (64). Additionally, T-visa applicants must also prove that their presence in the United States is directly related to trafficking, that they would suffer unusual and severe harm upon removal from the United States, and that they were (or are) subjected to a severe form of trafficking.

Domestically, the responsibility for prosecuting and investigating traffickers is held by the Departments of Justice (DOJ), Labor (DOL), and Homeland Security (DHS) (Siskin and Wyler 33). Cases are primarily investigated by representatives in DHS’s U.S. Immigration and Customs Enforcement (ICE), and the DOJ’s Federal Bureau of Investigation (FBI), who cooperate as needed, and are then prosecuted by the DOJ (Siskin & Wyler 33). Additionally, governed by the FBI’s Human Trafficking Initiative, FBI field offices compile and utilize threat assessments in order to determine regional existence and scope of trafficking, participate in anti-

trafficking task forces, perform investigations, and report significant case developments to the Crime Reporting Unit (CRU).

To assist with prosecution and protection of victims, the DOJ has funded 48 anti-trafficking task force initiatives nationwide since 2004 through the Bureau of Justice Assistance (BJA) (U.S. Bureau of Justice Assistance). The task forces are smaller, regionalized working groups whose purpose is to assess and address the specific anti-trafficking needs within local communities. Task forces are comprised of state, federal and local law enforcement prosecutors and investigators, labor enforcement, and non-governmental organization (NGO) victims service providers. The responsibility to coordinate cases, conduct law enforcement training on investigation, and prosecute human trafficking cases falls on each regional task force, putting task forces on the front lines of anti-trafficking action (U.S. Bureau of Justice Assistance).

This regionalized task force structure serves as an equivocal strategy to implement the TVPA. Dealing with human trafficking is guided by federal policy, but is carried out by task forces operating under the purview of each state's respective laws. In other words, human trafficking is largely considered a state issue, not a federal issue. This means that individuals working for localized governmental and NGO institutions in the U.S. are ultimately restricted or limited by the TVPA's overarching provisions. For this reason, law professor and researcher Janie Chuang posits that examining the efficacy of an individual state's effort to stop trafficking is a two-fold task ("Rescuing Trafficking from Ideological Reform"). The first part is to develop a foundational understanding of the TVPA as federal policy that guides state efforts. The second is the state implementation of the TVPA as it differs regionally in response to different

situations. Identifying specific pitfalls in TVPA policy legislation has therefore been of prime importance to anti-trafficking efforts as the evolving federal policies continue to regulate what anti-trafficking task forces and NGO practices can or cannot do in their localized efforts to educate state and local law enforcement practices (“Rescuing Trafficking From Ideological Reform”). Although the TVPA has gone through several re-enactments since its 2000 inception,⁶ some researchers argue that controversial pieces from the original drafting still linger in the framework and continue to inhibit strategic transformation.

The numbers of anti-trafficking task forces and available anti-trafficking trainings have increased, but Samuel Vincent Jones expresses that the overall inability to correctly identify victims remains a “perplexing obstacle” to preventative efforts (484). In 2015, the United States reported that in many instances, “trafficking victims, including those under the age of 18 years, were detained or prosecuted by state or local officials for criminal activity related to their being subjected to trafficking” (*TIP Report*). Some consequences of misidentifying trafficked victims are particularly troublesome. Rather than being recognized as vulnerable people who were coerced into criminal activities, the report explains that victims, including minors, are often misidentified as criminals. This is problematic because without a proper identification, victims neither receive the protections to which they are entitled under the TVPA, nor is it likely that a victim will escape their abusive situation. More broadly, Jones explains that dismal enforcement of anti-trafficking laws in ethnic minority communities neglect victims and “contribute to the

⁶ Re-enactments: Trafficking Victims Protection Reauthorization Act of 2003, [P.L. 108-193]; Trafficking Victims Protection Reauthorization Act of 2005 [P.L. 109-164]; William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 [P.L. 110-457].

proliferation of trafficking schemes” (484). In other words, misidentification vis-à-vis negligent enforcement can also become a threat to national security. This is because ethnic minority victims ensnared in trafficking often function as conduits between traffickers and potential new victims (*TIP Report 2015*).

By posing as family members, victims can be used to lure vulnerable members of the same ethnic minority group into trafficking schemes from abroad. Similarly, a special topics review in the 2014 *TIP Report* confirmed that a failure to address the vulnerable status of LGBT persons to trafficking can also perpetuate the offense rates in the underground economy. According to the report, LGBT homeless youth in the U.S. are estimated to comprise 20 to 40 percent of the total homeless youth population, a group that the report considers at “particularly high risk” of being forced into prostitution (“Vulnerability” 10). In the case of both ethnic minorities and members of the LGBT community, biases and discrimination severely complicate proper identification of, and provision of care to, LGBT and ethnic minority victims of human trafficking (“Vulnerability”).

The Role of Anti-Trafficking Trainings

State and local law enforcement trainings are the primary method by which police officers, criminal and juvenile justice officials, family court officials, labor inspectors, consular officers, social service and child welfare entities, and first responders learn how to identify trafficked victims. As one anti-trafficking committee member expressed before Congress, “for most of these [victims], a skilled and well-informed patrol officer is their only hope of being rescued” (McCraw 3). Trainings educate state and local law enforcement on how to make

conscious decisions upon encountering potential trafficked victims to a significant degree. Therefore, it is necessary to give critical attention to current victim identification methods present within state and local law enforcement trainings in order to unearth potential solutions to the concerning problem of victim misidentification at its source. For as much scrutiny as the TVPA has faced for its conscious neglect of certain populations, the identification methods used to teach recognition methods to first responders have not been thoroughly examined, nor has any study of the methods been performed.

According to Barbara Stolz, state and local law enforcement are often first responders in victim assistance, and as a result, training provided to officers plays an integral role in the fight against human trafficking (267). Surprisingly, the officers who were most likely to come into contact with trafficked victims were patrolmen who received little to no human trafficking training. The ability to accurately identify victims of trafficking is key to a comprehensive strategy because identifying and prosecuting instances of human trafficking under criminal law demonstrates an intolerance of slavery in any form as a human rights violation (“Policing Human Trafficking” 62). Unfortunately, Farrell, Mc Devitt, and Fahy’s 2010 study on the determinants of trafficked victim identification reveals that local police and sheriffs are often “woefully unaware” about human trafficking and regularly lack the training needed to investigate trafficking-related crimes (47). These results are particularly disheartening when compared to findings from a Northwestern University study conducted five years earlier on nearly the same topic, which garnered similar results. Research found the majority of law enforcement officers “perceive human trafficking as rare or non-existent in their local communities” (Farrell et al. 2).

Taken together, the findings suggest that law enforcement's understanding of human trafficking is occurring at an incrementally slow pace. But although the importance of law enforcement is generally recognized, and widely researched, information is still lacking about the capabilities of government-sponsored agencies to investigate trafficking crimes (Stolz 267).

An officer's ability to accurately recognize and identify victims in the field is of paramount importance. Without accurate guidelines, officers risk consequences of victim misidentification, which could expose victims to further harm by their traffickers. When victims are not identified, they cannot receive assistance or rehabilitation designed for their benefit under the law (Pennartz 371). Barbara Stolz suggests that future studies on law enforcement's ongoing victim identification challenges must involve not only the challenge posed by the victims themselves, but also reflect "the need to think differently about certain aspects of the traditional law-enforcement paradigm" (Stolz 268).

Research gives consistent attention to victim misidentification, but aside from affirming the problem through various research methods, only a handful of articles examine training materials themselves as a site of possible disconnect. Of that handful, even fewer studies examine trainings in depth by focusing upon details within the language and rhetorical messages of training materials used by law enforcement. There are no studies that evaluate the current victim identification methods present within training materials used to educate state and local law enforcement or determine the trainings' overall representation of trafficked victims.

Methodology and Purpose

Inspired by the scholarly attention to state and local law enforcement's challenge in identifying trafficked victims, I set out to examine in depth training materials used by law enforcement. In the interests of time I focus on one case—Texas—which has the advantage of being the state with one of the most serious problems in human trafficking. As such, this study offers a new perspective on research concerning minority victim identification and a response to current discussions on law enforcement training in the field. Uy remarks that an over-representation of female sex trafficked victim 'tropes' in policy and media dominate headlines to the extent that the resulting normalization of 'female-as-victim' ideology marginalizes 'non-traditional' victims (206). Using Texas as a research site, this research explores some of the limitations of current anti-human trafficking efforts. Because law enforcement generally function as first responders to human trafficking incidents, this report's primary purpose is to evaluate the criteria guidelines by which state and local law enforcement are taught to recognize trafficked victims during the course of their daily work. This research examines the textual content of three anti-trafficking training modules used to educate law enforcement: One federally-sponsored anti-trafficking training module produced by the Office of Victim's Crime Training and Technical Assistance Center's e-Guide for use by anti-trafficking task forces (OVCTTAC) and two training modules produced by the Texas Commission on Law Enforcement Officer Standards (TCLOESE). Although scholars have typically employed a broad, global scope for anti-trafficking policy analysis and response to human trafficking, the context of my research is situated squarely within the Dallas-Fort Worth area.

To this end, the research identifies current trends in victim identification methods used by law enforcement through a two-pronged, mixed-methods approach. First, I performed a qualitative close reading to determine common themes within the trainings and indexed them into searchable keywords and data points. Next, I used SAS to conduct a statistical text mining analysis to extract the keywords and measure the prevalence of the key phrases representing victim demographics to determine the frequency of gender, race, age, and type of victim demographics represented throughout the trainings. Once all the data was gathered, the statistics were compiled into a data plot graph where they offered a clear visual snapshot of the demographics' comparative frequencies. Based on the trainings' representation of victim demographics, the study reveals that sex trafficking dominates the content focus of human trafficking trainings created by Texas and the federal government. The data presented as a result of this study can, and should be, examined from different angles in future research.

Summary of Findings

A subtle, contextual definition of 'trafficked victim' became apparent almost immediately during the onset of the research process. Through a mixed-method analysis of the training's representation of victim demographics, this research determines that the rhetoric of the trainings' victim-type often took a specifically female approach to victimhood despite the shared message in trainings that trafficking could happen to anyone, regardless of gender. Ironically, while training curricula consistently and strongly conveyed messages that a victim can be any gender, age, race, or nationality, and that a victim could be found in both sex and labor

trafficking, trainings simultaneously promoted a narrowly defined victim type of women and foreign nationals as trafficked victims. This was evidenced by the training's expression of victim demographic representation and the fact that *men* and all relating keywords represented just over a quarter of the total counts found for women's keywords. These findings are consistent with previous studies by Farrell et. Al, Robert Uy, and other scholars.

One unexpected discovery from the research was the complete absence of conversations regarding LGBT people, Native American populations, and boys within training curricula. After parsing out the acronym for a deeper examination (lesbian, gay, bisexual, transgender), the total word count for each still remained at zero hits. Similarly, the hits for "Native American," "boy," and "men" were dramatically low compared to the hit count totaled by the searches for "women" and "girls."

The findings suggest that Texas's omission of institutionally vulnerable populations within its anti-trafficking efforts could be linked to more symbolic resistance to the state's ongoing battle against integrating recent federal human rights protections for vulnerable populations, specifically LGBT individuals. In effect, I argue that Texas's failure to specifically mention LGBT vulnerability in both of its legislatively-mandated new officer trainings has the impact of prohibiting the recognition or identification of certain identities as victims- specifically, three distinct and highly vulnerable minority populations were missing from Texas's training materials: LGBT, Native American, and boys. Thus, turning a "blind eye" to minority victim representation by omitting vulnerable populations from anti-trafficking training criteria can be seen as damaging to the anti-trafficking efforts overall. Such an oversight clearly

perpetuates politically normalized sexual scripts and gendered roles of men and women, and limits the efficacy of anti-trafficking endeavors.

Impact of the Study

From the beginning, the mission of my study attempted to construct an applied research question that could be useful to human rights advocates across disciplines. By examining the victim identification methods present within different levels of government-sponsored anti-trafficking trainings, I create a new platform for analysis that can be translated into action. It is my hope that future projects can follow a similar mode of analysis and synthesize existing data towards the promotion of diverse, holistic victim identification methods within their own state and local law enforcement communities. The findings contribute to existing scholarship in the areas of Women's Studies, Public Policy, Criminology, Sociology, and Legal Studies. This research also has the strong potential to inform Social Work and Education. Ultimately, my study takes the first steps towards creating an analytical model that can be used by other states and organizations that may desire to assess the comprehensive nature of trafficking trainings within their own regions.

This thesis is organized as follows: Chapter two is a review of the existing literature that assesses the current state of human trafficking both in Texas and nationally. This chapter provides an overview of scholarly assessments of current anti-trafficking legislation and teases out the main focal points of existing research. The discussion is informed by previous scholarly works that examine economic, gendered, and political influences that occurred during the formation of anti-trafficking policies, and which continue to influence victim misidentification.

The chapter also incorporates findings from reports provided by governmental agencies that work in tandem with anti-trafficking agencies. When taken together, these two diverse points of reference construct a critically important knowledge base that reveals common areas of concern. Cumulatively, the chapter pulls from a pool of trans-disciplinary resources and reconstructs the similarities between the two in an effort to highlight areas where more research is needed.

I begin chapter three with an in-depth description of the methodological process used to uncover victim-types present within training materials. As I briefly discussed above, I conduct a close reading and content analysis of existing literature on training materials and victim identification to gather common themes into an index of searchable keywords and phrases representing an array of victim demographics. Using SAS, I then used a text mining method of analysis to extract and quantify the frequency of each keyword within the text of three government-sponsored training modules to determine the main victim-type focus of the trainings. Based on the findings, I determine that there is a correlative relationship between victim demographic representation in the training materials surveyed by this study and the populations scholars and practitioners identify as “highly vulnerable” and “overlooked” in current discussions on victim identification. I interpret the research findings in the third chapter to form a conclusion about the data’s larger meaning and provide a projection of Texas’s future success to comprehensively address trafficking in all its forms. Based on preliminary research, I argue that Texas’s implementation of the federal Trafficked Victims Protection Act (TVPA) as it is reflected in training does not accurately reflect data trends that emphasize the prevalence of labor trafficking or the victimization of trafficked boys, men, Native Americans, and within LGBT

communities. By examining the limits of victim demographic representation in official anti-trafficking trainings used to educate law enforcement, I provide conclusive evidence of weaknesses that lie within the victim identification criteria provided to, and created by, the Dallas-Fort Worth area's human trafficking task force.

CHAPTER II

HUMAN TRAFFICKING IN SCHOLARSHIP

Challenging Issues

In 2010, Louise Shelley, noted expert on human trafficking, stated: “almost every expert on human trafficking and smuggling, whether practitioner or scholar, agrees that the problem is significant and increasing as both demand and supply for people are rising”(4).⁷ Today, an abundance of scholarship calls attention to anti-human trafficking laws to project the outcomes of the policies as written as well as the efficacy of provisions that the laws set into motion. Many other studies attempt to reconstruct holes in data in order to construct legitimate explanations for the uptick in trafficking observed in recent years (U.S. Dept. of Homeland Security). To this end, a wide range of disciplines have engaged in scholarly critiques of both the federal Trafficked Victims Protection Act (TVPA) and legislation enacted by individual states. Through the advancements of research, assessments have become methodologically, intellectually, and regionally diverse in efforts to examine, identify, and ameliorate some of the most serious issues that continue to block anti-trafficking efforts. The end result is a robust compilation of intersecting perspectives from voices around the globe that calls attention to the urgent need for a strong, victim-centered approach.

⁷ For more on the worldwide growth of human trafficking, including causes and recommendations for further readings, see Louise Shelley’s compilation of extensive research, which spans 17 years in total, in her book *Human Trafficking: A Global Perspective*.

Samuel Vincent Jones argues that perhaps the “most perplexing obstacle” to preventing human trafficking is the inability of governments and non-governmental organizations (NGOs) to correctly identify victims of human trafficking (484). Other scholarly writings broadly confirm Jones’ position, revealing how an overall failure to properly identify trafficked victims is one of the biggest challenges to effective implementation (Farrell et. Al; Stolz; Renzetti). In this second chapter, I provide an overview of existing scholarship to assess the current understanding of weaknesses in anti-human trafficking efforts. Scholars suggest that multiple factors lie at the heart of this issue, including ethnic and minority bias, a heavy influence of religious and right-wing special interest groups in federal and state laws as well as popular culture, a foundationally weak platform of reliable data by which to guide policy, and pervading ignorance of trafficking’s prevalence in the United States.

For example, Wilson and Dalton argue that “although human trafficking is a growing global concern, it is ultimately a problem identified locally” (297). As such, I begin chapter two with a section that establishes the scope of human trafficking on a global scale and then moves to sharpen the focus on the United States. Current global estimates of victim statistics have been critiqued at length for using “unreliable” methodological practices that are “impossible to recreate” by the Government Accountability Office (GAO 2006). Various studies have also argued that estimates of human trafficking are informed more by politics and ideology than by empirical counts (Renzetti et Al.; Farrell et. Al; Chuang). Despite glaring data discrepancies, there is a common understanding about the pressing need to address human trafficking more comprehensively with attention to its root causes.

Previous research finds that both victim representation and data credibility are lacking in state and federal anti-trafficking policies (Jones; Bales). In the second section, I summarize scholarly discussions on the myriad impacts of the TVPA's well-intentioned yet methodologically weak foundation, as well as the current state of human trafficking legislation. Studies by Robert Uy and Gozdziaik & Walter suggest that current policy provisions inaccurately integrate a skewed perception of trafficking as inherently sexual in nature. This view was successfully reinforced in policy language by religious right-wing conservative groups who lobbied heavily for the abolishment of prostitution as a solution to anti-trafficking problems (Peters; Chuang; Jani). As such, the TVPA has faced intense scrutiny by scholars and practitioners for its conscious privileging of sex trafficking over labor trafficking, and for bearing the indelible mark of religious right-wing conservative groups (Potocky; Uy). In practice, the narrow legal definitions of 'victim' compound problems of uneven victim identification by limiting resource allocation and treatment to certain types of victims while excluding others (Uy).

The third section discusses the prevalence of victim misidentification in the United States and emphasizes the important role of comprehensive trainings as a tool to combat both trafficking and entrenched ideas of victimhood that may prevent proper recognition. The majority of scholarly discussions that critique existing police responses to human trafficking do so expanding upon the prevalence of victim misidentification and law enforcement's minimized capacity to recognize minority victims. Reports from the National Institute for Health, the U.S. Department of State, Janie Chuang, and Farrell et Al. challenge deeply entrenched paradigms of

feminized victimhood status throughout federal, state, and organizational frameworks to expose what Farrell and Pfeffer call “cultural blinders;” the disconnect between law enforcement’s perception of trafficking and the reality that may exist (“Policing Human Trafficking” 46). Here, I use data and findings from Farrell et Al’s 2008 *National Survey on Police Capacity to Identify Human Trafficking Victims* to emphasize the important role of comprehensive trainings as a tool to combat both trafficking and victim bias in prevention, prosecution, and protective efforts.

Data Discrepancies

Human trafficking is a deeply complex global issue. Facilitated by the reaches of poverty, globalized economic imbalances, organizational corruption, gender and ethnic discrimination, and political conflict, the forced labor of millions reaps some \$150.2 billion in illicit profits each year, according to the International Labour Organization (13). Human trafficking has been reported in all countries across the globe, yet estimating the scope of human trafficking is nearly impossible (Shelley 4). Traffickers and trafficked victims are known to be a heavily occluded population, but their invisibility is only one explanation for the overall difficulty in calculating global estimates. The World Bank identifies organizational differences in definition and methodology as two main culprits for the immense numerical variation (World Bank 4). Discrepancies in the estimated number of victims are a result of various agencies and organizations collecting data in accordance with their respective mandates. Depending on the focus of an article or organization, one may read that demographic research of trafficked victims reveals that trafficking is majority sexual (World Bank; Shelley; Cianciarulo). Other findings state that labor trafficking takes precedence over sex trafficking on the international stage

(Farrell and Pfeffer 48). Some reports fail to disaggregate sex trafficking from labor trafficking altogether, suggesting that in certain regions, sexual labor is not exclusively employed through force, fraud, or coercion, but voluntarily performed as legitimate work (La Strada International).⁸ These methodological variances produce significantly diverse victim estimates, as the Urban Institute's 2014 review confirmed:

National data collection and survey studies produce a median estimate of the minimum number of victims annually to be as low as 3,817 victims, whereas the median estimate of the minimum number of victims produced by economic modeling studies was as high as 22,320 (8).

Without solid foundational knowledge, scholars express concern for anti-trafficking measures' ability to move forward using the TVPA's same lackluster policy framework. Siskin and Wyler contend that current government estimates of human trafficking are problematic because the missing methodological information makes assessments of the methodology and findings difficult, if not impossible, to validate or improve upon ("Excerpts" 270). Some quantitative errors seem particularly egregious. One report found that the U.S. provided "questionable" initial estimates of human trafficking numbers that were developed by only one person who failed to document his work, "casting doubt on its reliability" (GAO 2006). Similarly, in an interdisciplinary methodology review, researchers conclude that current estimates used to arrive at an estimate of trafficked victims consistently use methodology that remains "heavily reliant on unrepresentative samples" (Gozdziak and Bump 9). In efforts to

⁸ La Strada International is a global anti-trafficking organization based in the Czech Republic that prominently supports sex work as a legitimate form of labor.

accommodate empirical holes, much of the current research has attempted to dispel the mythical perceptions of trafficking through qualitative means. McGaha et Al. found that the majority of current studies attempting to validate the extent of trafficking rely on “overviews, commentaries and anecdotal information” (23). Given the previous claim, it is unsurprising that a simple search for human trafficking data provides an array of numerical discrepancies.

For example, according to the International Labour Organization, an estimated 20.9 million people globally were believed to be involved in forced labor in 2012 (“Profits and Poverty” 7). By contrast, Kevin Bales, anti-trafficking activist and consultant to the United Nations Global Program on Trafficking of Human Beings, estimated during the same year that the number was closer to 27 million (“International Labor Standards” 343; *Disposable People* 8). The lack of reliable trafficking data is problematic in many ways. For one, data that is falsified, unreplicable, or otherwise unreliably obtained cannot quash pervasive misconceptions about trafficking. The 2010 *Trafficking in Persons* report suggests that the exaggerated initial human trafficking estimates continue to hamper collection efforts because initial data reports set a skewed precedent that continues to prevent uniform data collection in some states more than others (340). In some states, it does not happen at all. A lack of consensus regarding the number of human trafficking victims is widely attributed to the lack of agreement regarding who is actually a victim of human trafficking, and how to address it (Jones 485).

What Causes Trafficking?

Trafficking is driven by demand. And, according to Shelley, the ever-present demand for cheap labor serves as a strong attractor to the United States (42). Solution-based strategies

largely operate on an understanding that in order to curb trafficking, demand must be reduced. However, opinions differ on whose responsibility it is to temper existing demand and the means by which to accomplish such a task. In 2015, the U.S. Department of State took the position that, “the demand for cheap labor and weak rule of law, coupled with high unemployment in developing countries, fosters the phenomenon of trafficking in persons” (*TIP Report* 18). The statement infers that each country is responsible for eliminating trafficking within its own boundaries through efforts to strengthen economic viability, legal precedents and law enforcement. Conversely, Louise Shelley posits that economic pressures from globalized systems of trade are the more criminogenic factor:⁹ “The global economy with ever more ruthless competition heightens demand for cheap labor that can be obtained only through labor exploitation” (58). Shelley’s view places economic neo-globalization at fault for growing exploitative practices. This view agrees with Kevin Bales’ assessments, which centralize the role of capitalist traditions (i.e., long supply chains) as a primary force behind the burgeoning trafficking numbers. Most profoundly, Bales remarks that today, “the work of the modern slaveholder is best seen not as aberrant criminality but as a perfect example of disinterested capitalism” (*Disposable People* 50). The primary factor at work in Bales’ critique is the geographic distance between a consumer and the producer at the lowest tier of a global supply chain. Producers are often located half a world away, allowing many citizens in developed nations to remain ignorant of the horrors that occur every day in the manufacturing of an

⁹ It is important to note that many scholars address human trafficking from an economic perspective that considers global debt, structural adjustment policies, and the effects of neo-capitalism. For more, see: Gilpin, Robert, and Jean Millis Gilpin. *The Challenge of Global Capitalism: The World Economy in the 21st Century*. 2000 ed.

inexpensive t-shirt, for example. At the top of a globally competitive economy, Shelley observes, consumers are “satisfied instead to have found a well-priced good” without thinking about why the items may be so affordable (40; 39). In summary, disagreements on where to appropriately place blame has proven to have a negative overall effect on anti-trafficking strategies, as many of the policies in place are based on little to no empirical evidence of victim statistics; nor do they address the factors that lead people into situations of trafficking in the first place.

Academic criticisms repeatedly point to a narrow, potentially misinformed understanding of trafficking as a main challenge that continues to inhibit success. According to Nairruti Jani: “...trafficked women have been the subject of unprecedented levels of interest in recent years; most of it well-intentioned, much of it ill-informed” (28). The real history of anti-trafficking policy legislation, according to Jani, has been rooted more in female victim search-and-rescue narratives rather than empirical data because data is hard to come by and harder to gather uniformly due to the covert nature of trafficking. Jani’s exploratory research thus examines the ‘credibility factor’ in anti-trafficking laws through a critical investigation of policy development and enforcement perspectives in the state of Nevada. Jani turns a challenging gaze towards the involvement of special interest groups as they imbued Nevada’s policy-making process with strategies for intervention aimed at prioritizing their own organizational goals. Findings from an extensive literature review by Gozdziaak & Bump revealed two areas of weakness in the overall scholarly discussion on anti-human trafficking efforts: (1) a hyper-focus on sex trafficking to the detriment of investigating bonded labor and domestic servitude, and (2) a lack of cohesive methodology, resulting in unreliable data (7). Furthermore, the same report discovered that

“very little is known about trafficking of men and boys, either for sexual exploitation or bonded labor.”

Acknowledging the lack of data and emphasis on sex trafficking, much of what we learn from existing scholarship highlights the varied impotencies of TVPA provisions (and subsequent re-enactments) to comprehensively address human trafficking due to legislative oversight of root causes associated with trafficking. In a thoroughly rigorous policy analysis of the TVPA, Law Professor Janie Chuang concludes that the omission of root causes is largely due to government’s tendency to “view trafficking as a ‘law and order’ problem that can be solved through aggressive criminal response (“Beyond a Snapshot” 138). To Chuang, the criminalization approach does not cast a wide enough net to effectively engage the legislative framework in a way that can successfully combat trafficking’s core forces. The sources of trafficking, she remarks, are problems rooted in migration, poverty, discrimination, and gender-based violence. Chuang contextualizes her critique of the TVPA in a feminist style of examination- that is, through a lens acknowledging the overlapping relationships between structural power hierarchies, forces of marginalization, and oppression. Other scholars apply similar methods of analysis to assess the tenuous relationship between policies and known realities of human trafficking. Both Chuang and Jani submit conclusively that the overall mission of the TVPA has been “devastating” for many sex workers and illegal immigrant women because the anti-trafficking efforts seem to focus more on prostitution abolition and the deportation of illegal immigrants than protecting innocent women from getting “sucked in” to human trafficking (Jani 37).

Tainted Policies and Distorted Perceptions

Taking a similar perspective to Jani, Alicia Peters attributes the commonly-used rhetoric of anti-prostitution abolitionism in policy language as a prime contributing factor that limits the efficacy of federal human trafficking statutes. According to Peters: “Much of the way trafficking is conceptualized and talked about today is grounded in the painstaking negotiations of language that occurred during the law’s drafting” (226). More specifically, Peters points out that quarrels today often hinge upon the TVPA’s definition of ‘sex trafficking’ because the TVPA’s vague definition conflates voluntary participation in sex work (prostitution) with involuntary migration and/or exploitation. Peters contends:

In the case of the TVPA, a particular vision of trafficking (forced prostitution) and a specific type of victim (women forced into prostitution) are privileged in complicated ways that divert attention from trafficking into other labor sectors (e.g., agriculture, factory labor, or nude dancing) and from men altogether. At stake are not only differing conceptions of “trafficking,” but also which victims are recognized as authentic (and which are overlooked) and which cases are deemed worthy of prosecution (and which are disregarded). (233)

Thus, a sticking point for many critics is rooted in historic re-formulations of the law, Marilyn Potocky argues, which effectively “pander to interest groups rather than serving any useful purpose” (373). Chuang considers the extent to which sexism plays a deeper role in the TVPA’s language, observing that “the imprisoned nanny or the forced male farm worker is not nearly so compelling an object of pity or compassion as a brothel captive” (“Rescuing

Trafficking” 1698). Altogether, the lack of attention given to men, boys, and labor trafficking within TVPA language is significant. Researchers generalize that the heavy influences of anti-prostitution rhetoric present during the TVPA’s drafting have led to a general misidentification of victims, a skewed allocation of funds, and punitive courses of action for individuals who do not fit the idea of a “perfect” trafficked victim.

To demonstrate further, Siskin and Wyler illustrate how the earliest TVPA re-enactments solidified and translated prostitution abolitionist rhetoric into public policy. Under President Bush, anti-prostitution lobbyists successfully integrated abolitionist provisions into the 2003 Trafficking Victims Protection Reauthorization Act (TVPRA) by restricting the dispersal of federal anti-trafficking funds to only those assistance-granting NGOs who took a hard line stance against prostitution (“Trafficking in Persons: US Policy and Issues for Congress” 38).¹⁰ The amendment, known as the Prostitution Loyalty Oath, stated that “no funds... may be used to implement any program... through any organization that has not stated in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution.” In a Congressional address, Siskin and Wyler laid plain their concerns:

... this policy excludes the people who are most able to report and combat abuses within the sex industry— prostitutes themselves—and may hinder the success of well-

¹⁰ This restriction took place both within the U.S. and internationally, and it was not generally well-received. For example, the government of Brazil returned \$40 million in grants, stating that the restrictions would inhibit Brazil’s extremely successful AIDS/HIV prevention program by eliminating its ability to carry out effective outreach and programs with sex workers if the country’s NGOs would be forced to explicitly oppose prostitution. See Janie Chuang, “Rescuing Trafficking” (2010) for an analysis of Michael M. Phillips & Matt Moffett’s “Brazil Refuses U.S. AIDS Funds, Rejects Conditions.” *Wall Street Journal*, May 2, 2005, at A3.

established anti-Trafficking in Persons programs. They believe that giving prostitutes some measure of legitimacy short of legalization reduces the risk that they will be exposed to the dangers of trafficking. (38)

Siskin and Wyler note that the law's reformulation contains an anti-prostitution slant that fails to address the problem of trafficking in all its complexity. In this new form, the law ignores its thematic 'victim-centered' approach by criminalizing efforts to protect those individuals who may provide the most assistance to anti-sex trafficking efforts because of their proximity to the sex industry.

Scholars generally recognize that the hyper-focus on sex trafficking is exacerbated by public opinion. Within popular media, "prostitution and trafficking are viewed as synonymous," says Robert Uy (207). The news media covers trafficking from a platform that defines it as primarily a "sex" issue. "Salacious and controversial" stories about trafficking pepper news, movies, magazines, and websites, and often seem intent to "titillate" rather than inform (209). According to Uy, the manufactured effect of keeping sex in the spotlight is a distorted, sensationalized, and over-emphasized view that most, if not all, trafficking is sex trafficking. Thus, Uy's concern for the marginalized victims of labor trafficking criticizes the popular discourse of trafficking as based on the idea of saving the "helpless, beaten, sexually abused, victimized, third world woman and child" (208). Chuang explains that this narrative resonates partly because of its simplicity, in which "a bad guy (evil trafficker or deviant, sex-crazed male) [is] doing bad things (sexual violence or enslavement) to an innocent, ignorant, impoverished victim" ("Rescuing Trafficking from Ideological Capture" 1698).

Stephanie Hepburn and Rita Simon agree. Their research observes that in practice, the U.S. tends to uniquely address the issue of human trafficking through a lens of policing immigration crimes with ICE's assistance. In a study that conducted a series of interviews with experts in the field, Hepburn and Simon determine that murky definitional misunderstandings about what human trafficking entails play a larger part in allowing for organizations with an "agenda" to complicate and fracture the anti-trafficking movement (3). The popular belief that human trafficking is solely sexually exploitative in nature has a disadvantageous effect on the overall anti-trafficking movement (13), resulting in the hugely disparate treatment of traffickers found guilty for either sex or labor. One interviewee asserted that the laws, as they are currently written, promote a misunderstanding of the issue as primarily violence against women, which weakens the effectiveness of the anti-trafficking intention: "Violence against women is a terrible thing, but it is not always trafficking and when conflated with trafficking you hurt both issues".¹¹ Echoing sentiments from Chuang and Uy, the interviewee expressed concern that as they are translated into action, the laws "ignore many of the people being trafficked," such as male victims and victims of labor trafficking, and profoundly harm female victims of violence "because it does not address the actual root causes of violence against women" (*id*).

Hepburn and Simon's conclusions are substantiated by research that looks specifically at the role of bias and trafficking victim prosecution rates. Shelley Cavalieri found alarmingly disproportionate rates between successful prosecutions of sex trafficking versus labor trafficking in 2010. In fact, her research found that only 18% of cases of certified or eligible labor

¹¹ From an interview with Suzanne B. Seltzer on 7 April 2009, performed by Stephanie Hepburn and Rita J. Simon. For more on Seltzer's interview, see "Hidden in Plain Sight: Human Trafficking in the United States" (2010).

trafficking resulted in charges against the alleged trafficker, compared to 75% of sex trafficking cases (510; 511). Cavalieri explains that the disproportionate prosecution of sex trafficking is “symptomatic of the excessive focus on sex trafficking that permits the public and those charged with addressing human trafficking to overlook instances of trafficking in other... sectors” (513). When it comes to victim identification, much scholarly research has focused on how the symbolic privileging of girls and women within the media and TVPA continues to result in deleterious circumstances for the broader spectrum of trafficked victims (Peters 221). Shelley laments that even though “hundreds of millions” have been spent worldwide to create and support anti-trafficking programs by bolstering prevention, harmonizing laws, training police officers, and establishing organizations to provide victims’ assistance, “these are inadequate measures because trafficking results from deep-seated poverty, the low status of women, and such political forces as long-term violent conflicts” (58).

Evaluating State and Local Law Enforcement’s Identification of Victims

In 2008, Farrell, McDevitt, and Fehy’s research on law enforcement responses to anti-trafficking legislation concluded that the degree to which law enforcement is prepared to identify human trafficking cases is a “significant indicator of whether or not they actually investigate cases” (2). However, research published six years later in 2014 found that despite an increase in regional anti-trafficking task forces, mandatory trainings, case investigations, and prosecutions,

state and local law enforcement across the U.S. consistently struggle to identify victims of human trafficking:

Identification of both domestic and foreign-born victims trafficked in the U.S. has remained highly problematic and has limited the impact of the subsequent policies. Lack of victim identification has hindered the provision of victim services and suppressed investigations, arrests and prosecutions of traffickers. Despite [...] good developments and intentions, trafficking victims are still under-reported and under-served (Vera Institute 242).

Shelley indicates that one underlying problem of victim misidentification in the U.S. is due to a confusion between smuggling and trafficking. This happens often in cases where illegal migrants from Mexico and Latin America “become victims of labor trafficking as they are subject to coercion and deception upon arrival” (13). Jones reasons that the conundrum arises from “an inability to [distinguish] between victims of human trafficking (those forced to perform certain acts) and smuggled migrants (those who consent to being transported across international borders as means to engage in certain acts)” (485). Pennartz opines that the quandary directly relates to “a lack of proper training in recognizing and dealing with human trafficking-related offenses,” which leads state and local law enforcement personnel to routinely treat human trafficking victims as illegal migrants and subject them to deportation hearings (371). The ability to distinguish between the two is especially important, he states, because “when undetected human trafficking victims are simply deported, they fail to receive critical services needed for their recovery.”

Simply delineating between those who are smuggled across borders for work and those who fall prey to trafficking through force, fraud, or coercion victims who are trafficked is only one aspect of law enforcement's ability to identify victims that needs to be addressed. Shelley and Jones point out a deeper issue facing state and local law enforcement in the human trafficking/human smuggling arena: Organizational entrenchment of crime identification practices often hinder law enforcement's ability to recognize victims. Amy Farrell has written extensively on the topic of law enforcement's capability to identify victims of human trafficking. Unlike other crimes, the offense of trafficking uniquely "combines a traditional crime category such as prostitution with status as a victim" (Farrell et. Al 22). To clarify, human smuggling, in some cases, can change forms and become human trafficking (Jones 485). This means that where consent was once present, a smuggled migrant's situation can change and become one of exploitation. Under the mandates of new legislation and heightened state attention to trafficking, identifying a case of human trafficking requires law enforcement to re-prioritize and re-categorize behaviors that have traditionally existed as independent crimes (*id* Farrell et. Al.). The challenging part of increasing police identification of human trafficking (and in addition to the fact that human trafficking is a relatively new crime) is that "officers on the street tend to solve problems based on routines" (*id*). In other words, officers must un-learn traditional methods of solving problems and redefine those problems in a new light that considers human trafficking. In effect, the increased attention on human trafficking now requires law enforcement to "re-evaluate whether or not a case that looks like prostitution actually involves elements of

force, fraud, or coercion,” the determinants of which would make it human trafficking, not prostitution, and elicit a very different, and often unfamiliar, type of response (Farrell et. Al 22).

Considering that there is an element of organizational reform to be tackled, Stolz adds that to recognize trafficking would require officers to view certain aspects of traditional law enforcement differently as well as learn the legal definitions of the new crimes (268). Furthermore, Stolz emphasizes that “because human trafficking might involve violations of immigration or labor law,” state and local law enforcement might have to conquer the notion that the responsibility for fighting human trafficking belongs solely to the federal government or another state agency. Stolz’s response determines that law enforcement’s confusion is not limited to definitions of smuggling versus trafficking, or even how to re-conceptualize old crimes in a new way, but factors in the additional confusion over whose job it is to identify victims in the first place.

In a survey of police officer perceptions of human trafficking, Farrell, McDevitt, and Fehy found that officers were sometimes “reluctant to intervene in sex and labor trafficking situations due to a belief that victims were complicit with their own victimization” (1). The finding is troubling, they reason, because effective responses to human trafficking require officers to notice and potentially provide services to victims who have historically been underserved by, or had poor relationships with, law enforcement, and who are more likely to be vulnerable to human trafficking (22). For example, research recently published by the National Institute for Health (NIH) emphasizes that LGBT persons, especially youth, are among the most vulnerable yet undetected populations in sex trafficking. The report attributes “the hidden nature

of same-sex prostitution” and the societal stigmas attached to LGBT status, LGBT sex trafficking is “even less likely than trafficking in heterosexuals to be reported to local authorities” (1). Another study by Farrell and Pfeffer enunciated the problem more clearly: “We find that the culture of local police agencies and the perceptions held by police officials about human trafficking prevent the police from seeing a broad range of human trafficking cases” (47; 48). Kamala Kempadoo suggests that in the case of foreign trafficked victims, this laissez-faire approach is linked to prejudiced attitudes of migrants. She offers that “discriminatory attitudes appear to be based more on ignorance, such as when the public erroneously complains that migrants are taking local jobs or when they fail to understand the role that migrants are playing in their own prosperity” (xxiv). According to the research (Farrell et Al., Farrell and Pfeffer, Stolz), in order to comprehensively address the complex nature of trafficking, officers will have to be proactive and diverse. This is not currently occurring. Additionally, the problems of misidentification are exacerbated when the victim is a member of a group that historically has not been a priority for law enforcement protection, a member of a ‘hidden’ population, or a member of an ethnic or cultural group that historically has not trusted law enforcement (Farrell et. Al 22).

Human Trafficking Trainings for Law Enforcement

Previous studies on law enforcement’s capacity to identify victims have used primarily qualitative (survey) methods to determine whether or not law enforcement agencies and task forces are well-prepared to combat human trafficking in their communities. The National Law Enforcement Human Trafficking Survey by Farrell et. Al (2008) consisted of a mail survey of

roughly 300 randomly sampled law enforcement agencies within the United States. The survey aimed to determine perceptions, training, and investigative strategies used by law enforcement engaging with human trafficking. Similarly, Grubb & Bennett's assessment of human trafficking training and the awareness of local, county, and state law enforcement agencies in the State of Georgia measures the perception of human trafficking issues, opportunities and resources for training; as well as the extent and range of investigative incidents regarding human trafficking (with the state of GA as a case study) (490). Grubb & Bennett's survey was administered online via an e-mail link in hopes that the response rate would be higher than that of previous studies. Despite the comparative ease and convenience of an e-mail link, Grubb and Bennett's survey received only a 17% response rate (491). Low response rates for surveys were commonly mentioned as research limitations, occurring in Farrell et Al's research as well. This low turnout rate may signify that different data collection methods outside of survey techniques should be utilized in future research.

Grubb & Bennett's survey found that the predominant method of training law enforcement was in a conference setting or seminar-style environment, with half of the agencies identifying this type of training (493). A common reason for this style of education is simple cost-effectiveness, say Corder & Shain. Their research found that in recent years, agencies have shown more and more interest in delivering police education and training via distance learning, especially through video recordings or online courses (Corder and Shain 293). The conference style of training officers is important to note because current trends in officer education and training suggest that, for adults, experiential learning (also known as andragogy) is a more

effective strategy to develop community-oriented problem solving skills (Paterson 292). Thus, Craig Paterson, expert on police education and organization reform, reasons that the training school, the current police educative structure, acts as an inhibitor to organizational reform. Paterson laments the ongoing use of traditional police training in the United States, claiming that its shortcomings come from a “focus upon law enforcement functions ahead of community policing,” which in turn widens the gap between educational theories, academic research, and on the ground practice (293).

In another study conducted by Farrell, Pfeffer, and Bright, researchers undertook an open-ended, exploratory approach to discovering police perceptions of human trafficking by using data collected from a previous survey funded by the National Institute for Justice (NIJ) (Farrell et Al. 2012). The research focus is unique in that it sought to understand how law enforcement framed the problem of human trafficking through previous experiences classifying and identifying victims and how police perceptions of human trafficking may guide investigations (316). A key finding of Farrell, Pfeffer, and Bright’s study was the obvious distinction between those agencies who identified human trafficking and those who did not. The difference, they confirmed, was predicated upon “whether or not frontline officers had received training or guidance in policies that direct them on how to respond to such situations” (59).

But while law enforcement may feel empowered by the knowledge provided by trainings, Farrell, Pfeffer, and Bright found that even in states where law enforcement demonstrated comprehensive understanding of the law and the relationship between vulnerability and trafficking, efforts to prosecute convicted traffickers were sometimes truncated by the stronger

forces of institutional hegemonic immunity. In one area, Farrell, Pfeffer, and Bright recount a disheartening situation in which law enforcement faced significant pushback against their attempts to follow through and enforce their new knowledge of sex trafficking laws:

Upon taking on responsibility for human trafficking enforcement, the vice unit in one agency we studied did make a concerted effort to arrest men who purchased sex in addition to arresting women selling sex. These efforts were largely thwarted however, when a handful of politically connected men were arrested. The vice unit was instructed to abandon operations focused on the arrest of commercial sex purchasers. In response, they returned to a more traditional enforcement practice that largely included arresting women selling sex, despite concern by officers that some of these women were victims of exploitation (328).

The example suggests that by itself, increasing law enforcement's awareness of trafficking and victim identification skill levels is not enough to permeate other levels of government where trafficking still might not be regarded as a serious offense that is worthy of penalty. Furthermore, the example shows that the dismissive "thwart" was met with a withering response from agency leaders, who in turn reverted back to traditional practices of arresting women selling sex-exploited or not. It is also important to acknowledge that all of the victims were women, some of whom were involved in (suspected) sexual exploitation, which situated them ideologically as the most widely understood form of human trafficking. Thus, we can gather from the example that in some cases, even victims who are successfully identified partly because they fit an idealized

trafficked victim stereotype, victims cannot be guaranteed the legal protections or prosecutions granted to them under the law.

Summary

Trainings educate state and local law enforcement on how to make conscious decisions upon encountering potential trafficked victims to a significant degree. The number of anti-trafficking task forces and available anti-trafficking trainings has increased, but research proves that the inability to correctly identify victims remains a “perplexing obstacle” to preventative efforts (Jones 484). Some consequences of misidentifying trafficked victims are particularly troublesome. Rather than being recognized as vulnerable people who were coerced into criminal activities, reports claim that victims, including minors, are often misidentified as criminals. This is problematic because without a proper identification, victims can neither receive the protections to which they are entitled under the TVPA, nor is it likely that a victim will escape their abusive situation. Therefore, it is necessary to give critical attention to current victim identification methods present within state and local law enforcement trainings in order to unearth potential solutions to the concerning problem of victim misidentification at its source. For as much scrutiny as the TVPA has faced for its conscious neglect of certain populations, the methods used to teach identification and recognition skills to first responders have not been thoroughly examined, nor has a study of the methods been performed.

After reading about the lukewarm reception that scholars and government officials have given TVPA and law enforcement’s struggle to correctly identify victims I began to wonder about the possibility of misidentification in my own state. I wondered, how does my local anti-

trafficking task force educate state and local law enforcement to recognize victims? Do their training materials give attention to populations that the TVPA and scholars have identified as highly vulnerable? And, most importantly, might there exist a connection between victim demographic representation across trainings and the prosecution rates of law enforcement?

Research gives consistent attention to victim misidentification, but aside from confirming problems with standardized definitions of trafficking, pervasive “cultural blinders” in organizations, and officer bias, only a handful of articles examine training materials themselves as a base for analysis. Even fewer articles employed a regionalized focus on trainings available within an area. There are no studies that evaluate current victim recognition methods present within anti-trafficking training materials used to educate state and local law enforcement.

As such, this study addresses a gap in literature related to victim identification struggles generally, and the gendered bias present throughout anti-trafficking legislation and scholarly conversation more specifically. Few of the trainings designed by either federal or state entities have been examined in previous studies to any large extent, and therefore, a future study of any or all of these features could contribute to increased understanding of the realities and roadblocks to successful, comprehensive anti-trafficking efforts in any given region. The choice to use Texas as a case study is significant because although human trafficking is a global issue, “it is ultimately a problem identified locally” (Wilson & Dalton).

In the next chapter, I describe the state of human trafficking in Texas at the onset to highlight current efforts and the role of state and local law enforcement in the fight against human trafficking. Next, I outline the research methodologies used to determine the current

victim recognition methods in anti-trafficking training materials, and then provide a quantitative and qualitative analysis to extract the victim demographic representation across trainings more generally. In the chapter, I focus on a few specific categories of vulnerable populations previously identified by *TIP* reports and scholars, which include the following: LGBT individuals, men, boys, victims of labor trafficking, Native Americans/American Indians, women, and girls. Last, I provide a discussion of the findings, discuss possible correlations between Texas's cultural legislative climate, and explore possibilities for future research.

CHAPTER III

RESEARCH CONTEXT: TEXAS, TRAFFICKING, AND TRAININGS

A Closer Look at Trafficking in Texas

It is important to look at the regional implementation of federal anti-trafficking efforts because, as Wilson and Dalton say, “although human trafficking is a growing global concern, it is ultimately a problem solved locally” (297). For this reason, and taking full advantage of my current proximity to the Dallas- Fort Worth metroplex, I chose to contextually frame my research in Texas. The state of Texas, which shares a 1,241-mile¹² international border with Mexico (CRS 3), is especially vulnerable to incidents of human trafficking in all forms due to the fact that migrants can easily pass through the borders undetected (Texas Department of Public Safety 3). Additionally, Texas houses Interstate-10, which the Department of Justice designated as the number one route for human trafficking transport in the U.S. in 2009 (U.S. Cong. House Comm.). Previous studies estimate that, at any given point in time, Texas contains 25% of all trafficked victims in the U.S., and that the Texas-Mexico border is the number one site for the transportation of children into sex and labor trafficking (Butler 843). In 2015, the National Human Trafficking Resource Center (NHTRC)’s human trafficking hotline reported that Texas received the second highest number of phone calls in all 50 states and Washington, D.C., in 2015 (NHTRC 1). Texas is also a hotspot for domestic human trafficking because of its high number of homeless and runaway youth in bigger cities such as Houston, Austin, San Antonio, and Dallas-Fort Worth. In 2007, a joint report from the Children’s Medical Center of Dallas and the

¹² Statistics and measurements provided by the United States Geologic Survey (USGS).

Coalition for North Texas Children revealed that there were 6,000 homeless youth annually in Dallas alone (“Beyond ABC”).

Texas was the second state in the U.S. to pass laws criminalizing human trafficking in 2003¹³ and one of the first to establish a task force in 2009 (U.S. Cong. Home Comm.). Hundreds of millions of dollars have been spent to create state and local law enforcement anti-trafficking task forces in Texas, and even more money has been channeled into educating law enforcement officers on how to implement new legislation (Pennartz 371). But despite the increase in funding, training, and sustainability efforts, several holes remain that allow victims and traffickers to slip by. For example, Texas’s Department of Public Safety released an unclassified version of its biannual report, “Assessing the Threat of Human Trafficking,” in 2014, which revealed in no unclear terms that law enforcement continued to struggle to identify cases of labor trafficking generally, and male victims of trafficking specifically. According to the report, identifying the presence of labor trafficking and exploitation remains “a considerable challenge for law enforcement authorities,” partially because there is limited reporting regarding labor trafficking in Texas compared to other types of trafficking (2). The report acknowledges that the lack of reporting is due primarily to the comparative visibility of female sex trafficking to law enforcement, who find female sex trafficking an easier form of trafficking to identify. Consequently, Texas faces a profound lack of data regarding male victims, and the oversight leads to male trafficked victims being under-reported in statistics. With little to no tangible information to guide investigation techniques, identification practices,

¹³ Texas Penal Code §20A

or inform prosecutorial procedure, the report finds that law enforcement agencies are likely to “miss opportunities to rescue male victims.” Furthermore, data and statistics gathered by law enforcement agencies can inaccurately represent the problem of both sex and labor trafficking (3).

Research Overview

From the beginning, the goal of my project was to construct an applied research question that could be useful to human rights advocates across disciplines. The field of Women’s and Gender Studies, with its strong ties to the humanities, is characteristically interdisciplinary, and research is often influenced by qualitative (non-numerical) methods of inquiry, although the discipline claims no specific method as its own (Side 52). Queer theories and critical race feminist scholars (for example, Kimberlé Crenshaw) have been especially influential in this particular research design for their general practice of inverting traditional approaches to problem-solving by placing the interests and perspectives of minority populations at the center of analysis as a way to transform knowledge production. As such, this research retains the inductive approach typical of qualitative methods-- that is, the move from the specific to the general-- by engaging issues pointed out by previous scholars discovered through a close reading of particular texts. However, the methods depart from a strictly non-numerical approach by infusing SAS text mining software to determine the frequency of victim-type classifications in training materials, giving the research a quantitative, statistical element of measurement. Rather than attempting to follow a single-axis strategy to uncover thematic patterns from the data, mixing methods allowed the research to be shaped by findings from previous works and promoted a more complex

understanding of the interaction between what is currently known about law enforcement training methods and the more subtle actors that may hamper victim misidentification. The two-pronged method also gave the researcher a sense of direction on how to deem which victim attributes as worthy of study, and how to approach the project more generally.

Determining the comparative presence of traditionally under-served populations within anti-trafficking training materials is a logical next step in the already long discussion of gender disparity in human trafficking efforts. Because the design is one grounded in both qualitative and quantitative analyses, the findings are easily transferrable between disciplines and practices while retaining a core that is solidly informed by the feminist practice of inverting oft-overlooked subjects of inquiry. This research is uniquely practical, easily replicable, and has the potential to be deeply meaningful to on-the-ground anti-trafficking efforts. It adds to the current body of literature by establishing a correlative relationship between victim demographic representation in trainings and the thoroughly discussed over-representation of women and sex trafficking in public awareness campaigns, as well as problems of victim identification specific to Texas.

Limitations of the Study

This study is affected by the general limitations of any quantitative study, especially the inappropriateness of generalizing its findings beyond the sample sets to other anti-trafficking trainings that may take care to discuss the vulnerability of minority victims at length. The study did not examine the complex role of immigration and victim identification, nor did it approach how anti-immigration attitudes and bias impact policy formation and possibly public opinion

about victim status, although the perspective has been covered in depth by previous researchers more appropriately suited for the task. Additionally, it is estimated that NGOs provide a significant portion of training sessions to state and local police officers, but the study only included trainings created by state and federal agencies. The insights of trainings created by NGOs are missing from this study, as are those of faith-based victim service providers. To a lesser extent, a side objective of this study sought to trace the State of Texas's interpretation of federal anti-trafficking directives, initiatives, and policy recommendations by measuring how closely Texas's self-created training materials reflect federal initiatives targeted toward educating law enforcement and first responders. Since federal insights are handed down through the Office for Victims of Crime (OVC), and/or BJA and then implemented by the anti-trafficking task forces, it was necessary to eliminate those law enforcement trainings that did not share a direct link with branches of federal government to reduce noise.

Texas law permits the allocation of state funds to faith-based and secular anti-trafficking organizations,¹⁴ and several businesses create trainings for law enforcement and train police officers. However, time constraints prevented the research from expanding in this direction. Future studies would do well to undertake a rigorous content analysis of NGO and faith-based trainings presented to law enforcement given the high number of faith-based and privately funded anti-trafficking victim service providers in Texas. To be clear, I do not wish to downplay the impact made by anti-trafficking organizations such as Children at Risk, Mosaic Family Services, and New Friends New Life, who provide indispensable assistance to task forces, law

¹⁴ Texas S.B. No. 993

enforcement, and victims throughout North Texas. In the interest of time, a case study of trainings created through a direct relationship with the federal government was found to be most appropriately suited for the study's parameters.

Regrettably, a significant limitation of this research comes from the limited access I had to some trainings designed for state and local law enforcement. Because several key trainings are closed to the public (the Blue Campaign, for example), it was impossible to obtain the curricula, and therefore they were not analyzed. It is beyond the scope of this research to adequately describe the content of those trainings, and much more could be discussed about the findings of the trainings made publicly available. This research represents only a fraction of myriad causes, consequences, and solutions to the discrepancies unearthed by the research for brevity's sake and more could be said as to how the findings may or may not reflect weaknesses specific to Texas. I highly encourage future research efforts to give attention to the closed, regionalized approaches taught to federal and state-level law enforcement in order to comprehensively address barriers to human trafficking. Additionally, I suggest that future researchers attempt to identify and connect limitations in Texas's anti-trafficking efforts with Texas's legislative history and formation, social attitudes towards migrants, patterns of economics and trade, and the insidious role of religious conservatism in Texas's victim service providers, if not the legal system more generally. An in- depth examination of these variables from a human rights or victim-centered vantage point can help illuminate unintentional oversight in anti-trafficking efforts and lay the groundwork for solving future problems.

Study Design, Methodology, and Purpose

To determine the focus of trafficked victim demographics representation across trainings, I chose to use a two-pronged mixed methods approach that used qualitative and quantitative methods applied in a framework of interdisciplinary text mining analysis. The first step was to develop an index of words and phrases that were representative of the findings from previous scholarship on victim identification. Through a close reading and content analysis of documents within the sample set, I compiled a list of words I found appropriate to include in a search of the trainings. Next, I used the computer program SAS to conduct a search and retrieval method of text mining to record the frequencies of those words in the body of each training's textual materials and compared the statistical presence of each demographic. I describe the steps, sample sets, and decision-making process in depth in the *Process* section.

Determining the current representation of victim demographics allowed the research to explore how law enforcement make meaning of victim identification or come to understand the phenomenon of human trafficking in Texas through messages promoted in training modules. Thus, I established a sample set of two Texas-sponsored training modules and two federal level training modules as a platform to observe fluctuations of victim demographic representations between the various anti-trafficking efforts at different levels of government implementation- federal and state. Identifying statistical representation of victim demographics within training materials was beneficial because it gives future researchers an opportunity to replicate the experiment easily using sample sets of their choosing.

According to researchers at the intersection of linguistics and computer science, text mining is a young field which draws on information retrieval, data mining, machine learning, statistics and computational linguistics for the purpose of discovering new, previously unknown information by automatically extracting information from different resources (Gupta and Lehal 60). The intent of a text mining approach to data analysis is to discern the overall focus of a document (or a set of documents) through the identification and extraction of key features from the text that can be used as the data and dimensions for analysis (72). Thus, text mining uses text sets to discover connotative knowledge. The end result of a text mining endeavor is to cull data and information from structured or unstructured databases and create a new sample set from which to examine linguistic patterns, frequencies, and assign significance.

The usual approach to text mining involves identifying and extracting key features from the text that can be used as the data and dimensions for analysis (Gupta and Lehal 72). It starts with a document collection retrieval, then moves to a text analysis phase, and ends with a semantic analysis to derive high quality information (Gaikwad et Al. 42). For this research, I used a search and retrieval method of text mining to record the frequencies of specific keywords occurring across different training curricula. John Unsworth relates one benefit of the search and retrieval method to its simple yet functional design, which brings specific queries to text collections and 'retrieves' relevant answers to those queries in return (np). Therefore, the search and retrieval method of text mining was chosen for its specific ability to quickly identify and count totals of individual keyword queries from large amounts of text.

The first step was to create the specific query categories. Training curricula usually contain a large amount of information, including slides and video clips. In conducting a representative demographic sampling of data from anti-trafficking trainings, it was first necessary to establish an index of searchable keywords that were informed by the previous literature. Gupta and Lehal define keywords as “a set of significant words in an article that gives high-level description of its contents to readers” (62). Identifying keywords is very useful strategy to consolidate large amounts of text by transforming it into meaningful, symbolic units from which the statistical frequency of each unit can emerge. Gupta and Lehal identify this process as ‘feature extraction,’ a crucial step in text mining (72). This process of identifying keywords took a distinctly qualitative approach through a combination of close reading and multi-document comparison used to identify overlapping themes in victim identification methods from previous research. The keywords here reflect a sampling of recommendations found in *TIP* reports, reports from the Department of Labor, and findings from studies present in the previous chapter’s literature review related to victim identification. For example, the *2015 TIP Report* states that NGOs repeatedly called for increased prioritization of labor trafficking prosecution, as well as trainings on indicators of human trafficking for law enforcement (353). Thus, keywords were created for “labor” to determine the level of attention given to labor trafficking. The full procedure, including individual methods used to arrive at each keyword, are outlined in the *Procedure* section. *Table 1* provides a full account of all searchable keywords and their modifiers.

Procedure to Determine Keywords: Qualitative Analysis of Previous Texts and Identification of Vulnerable Populations

To determine the focus of victim demographics in anti-trafficking trainings, I asked the following question: Given that each keyword indicates a group or person from a ‘vulnerable’ population, what is the statistical representation of each keyword within trainings? Asking this question allowed for the results to represent the general focus of victim demographics present within an individual training curriculum, thereby determining who state and local law enforcement are taught to identify as trafficked victims through exposure.

To answer this question, it was necessary to determine which populations, industries, and types of trafficking were considered vulnerable to trafficking. I accomplished this by performing a close reading on a sample set of previous research to identify overlapping themes on victim recognition and law enforcement identification of victims and then assigning the themes keywords. For example, the 2015 *TIP Report* concludes that the agriculture industries, labor trafficking, runaway/ homeless youth, American Indians and Alaska Natives, lesbian, gay, bisexual and transgender individuals, and youth in the child welfare and juvenile justice systems were among the populations that qualified as being “particularly vulnerable” (353). Thus, the keywords *Native American*, *American Indian*, *agriculture*, *labor*, *lesbian*, *gay*, *bisexual*, and *transgender* were created as well as signifiers for age (for example, “youth” was broken down to *boy*, *girl*, *child*, *children*, etc.). The full qualitative inquiry and logistical progression for each keyword can be found in the proceeding section.

LGBT Individuals

The 2014 *TIP Report* states that under the 2013-2017 Federal Strategic Action Plan on services for Victims of Trafficking in the United States, all U.S. agencies are committed to gathering information on the needs of LGBT victims of human trafficking (10). Because the report found that biases and discrimination “severely complicate” proper identification of, and provision of care to, LGBT victims of human trafficking, the research was designed to give LGBT individuals a close level of scrutiny by expanding the acronym to separate parts. Thus, *gay, lesbian, bisexual, transgender*, and their plural forms were added to the list of keywords.

Male Victims of Trafficking

The 2015 *TIP Report* also indicated “shelter and housing for all trafficking victims, especially male and labor trafficking victims, continued to be insufficient, and in some cases resulted in victim returning to unsafe situations” (355). Numerous studies conclude that men are often overlooked in the discussion of human trafficking (Hepburn and Simon; Farrell et. Al; Chuang), On top of this, Robert Uy explains that the lack of shelters and appropriate services for male victims of trafficking is linked to the popular view that women and children constitute the majority of trafficked victims in the U.S. (216). Therefore, it was necessary to give attention to men and boys specifically. [Keywords added: *male, males, men, man, boy, boys*]

Labor Trafficking

The theme of “preventing human trafficking in global supply chains” was a main focus of the 2015 *TIP Report*. Additionally, the report claimed that NGO victim service providers repeatedly claimed that labor trafficking was not given sufficient attention when compared to sex

trafficking (354). Echoing the claims found by scholars above, Robert Uy posits that labor trafficking is regarded as an “ancillary issue” for most Americans, resulting in a lack of resources and financial support for victims of labor trafficking (214). Shelley Cavalieri’s research on the overlooked agricultural sector also influenced the choice to focus on this topic. More reports from the Texas Department of Public Safety declare that there is little to no data on the phenomenon of human trafficking in Texas, leading law enforcement to potentially misidentify victims of labor trafficking (3). [Keywords added: *agriculture, labor*]

Native American Populations

Less information exists on the vulnerability of Native American and indigenous populations to human trafficking than other categories in this study. However, small pieces of information gleaned from the 2015 *TIP Report* applaud the U.S. Department of the Interior (DOI) and Health and Human Services (HHS) for increasing their efforts to work with tribal leaders in Alaska and North Dakota, where vulnerable native and indigenous populations were known to exist (357). It is worth noting that the limited discussion on native vulnerability did not specifically mention women or girls,¹⁵ but “young American Indian men at high risk for commercial sexual exploitation.” For this reason, Native American vulnerability to human trafficking was given a keyword. [Keywords added: *Native American, American Indian, indigenous*]

¹⁵ To clarify my use of the term “limited,” the discussion of American Indian vulnerability and efforts taken to reduce trafficking was comprised of a single paragraph.

Comparison to Women, Girls, and Sex Trafficking

Lastly, I wanted to be able to compare the prevalence of women and sex trafficking as well, given that the vast majority of all prosecutions and convictions in 2014 involved predominantly sex trafficking (353). The remaining keywords represent scholarly claims of over-represented populations or stereotypes for comparison. Using the keywords “women,” “girls,” and “sex,” and their corresponding plural forms, the research could calculate and compare the frequencies of minority victims against criticisms that deemed women, girls, and sex trafficking as over-represented. “Prostitute” was also chosen from findings that indicated law enforcement struggled to identify the difference between prostitution and sex trafficking (Farrell et. Al). By using the established stereotypes as a control group, I was able to test the validity of claims put forth by the majority of previous literature. [Keywords added: *woman, women, female, she, her, girl, sex, sexual, prostitute*]

Table 1: Keywords and Modifiers

Keyword	Modifier		
Woman	-en	en's	-an's
Girl	-s	-ish	
Female	-s	-inine	
She/Her	-'s	-s	
He/him	-s,	-'s	
Man	-en	-an's	-en's
Boy	-'s	-s	
Male	-s	-'s	
Sex	-ual	-ually	-ed
Agriculture	-al	farm*	
Native American	American Indian	Indigenous	-s, 's
Labor	-bour	-ed	-s
LGBT	gay, lesbian	bisexual	transgender
Prostitute	-s	-ed	-tion, -ing

The Trainings: An Overview

The current study examined the representation of victim demographics within four trainings, two of which were federally-created, and two of which were created by the state of Texas' own Commission on Law Enforcement Officer Standards and Education (TCLEOSE). Although it would have been preferred to use resources provided by the Texas Regional Center for Police Safety Innovation (TRCPI), resources provided on the website, including training dates, materials, and schedules, had not been updated since 2011. I chose to perform a close reading of the two available federal trainings as well. They were provided free of charge by the Upper Midwest Community Policing Institute and Justice Planning Management Associates (JPMA), and named "Introduction to Human Trafficking Awareness" and "Responding to Human Trafficking." All trainings identified law enforcement and task forces as their primary audiences, although Texas-sponsored trainings sometimes referred to law enforcement as "peace officers." The purposes of each training varied slightly depending on regionalized focus, but the general intent to increase law enforcement and task force's awareness of the issues of human trafficking through the exposure of informational materials and research was consistent. Detailed attention to gang and cartel involvement are one example of different regionalized foci. The two trainings authored by TCLEOSE were tailored to address the role of law enforcement in Texas on human trafficking issues specific to the state. As such, the trainings spent more time discussing the role played by gangs and Mexican cartels in patterns of human, arms, and drug trafficking across the border. The training, which is mandatory for all incoming law enforcement and peace officers, is aptly named "Law Enforcement's Role: Human Trafficking in the State of

Texas.” For a current analysis of anti-human trafficking training curricula, the chosen research represents only those trainings created or updated in the year 2013 or later.

Textual Analysis of Two Federal Trainings

Summaries were provided for the two-part training authored by UMCPI and offered by the OVC as follows:

“Introduction to Human Trafficking Awareness”

“The Web-based multimedia lessons include an audio presentation track, instructional graphics and text, and learner interactives that provide a superior user experience when compared to typical online offerings... the training is an overview of the problem of human trafficking in the United States. Its emphasis is on understanding the scope of the problem and the legal framework in place to help address it.” (Office for Victims of Crime 16).

“Responding to Human Trafficking”

“Responding to human trafficking training is an overview of the basics for law enforcement response to human trafficking situations. Its emphasis is on adopting a victim-centered approach to achieve successful conclusions in trafficking cases, to include victim rescue and care and trafficker prosecution” (22).

The trainings each contained the following information on how to proceed with cases of human trafficking: Statistics (although unknown) on human trafficking both globally and in the U.S.; explanations of human migration and global poverty as motivating factors that “push” people into risky situations; general insights as to what attributes make people vulnerable to

trafficking; definitions for sex trafficking and labor trafficking; how to distinguish prostitution from sex trafficking; how to distinguish labor trafficking from smuggling; physical indicators of human trafficking; (including bruising, scarring, cigarette burns, malnutrition, and more); general indicators of human trafficking; advice on interviewing techniques; how to decrease victim resistance during initial stages of identification and interviews; a discussion on the false victim/trafficker dichotomy as many traffickers/informants are most likely victims themselves; considering the victim's safety during identification, investigation, and prosecution; living and working conditions for victims; labor camps and sweat shops; and several more.

The JPMA's trainings used a variety of methods to convey the themes and messages, including photos, video clips, and quiz modules; however, this study did not attempt to collect the messages from any data other than the text. I do not wish to misrepresent the trainings as a whole to be completely full of gender bias- this is not true. However, a brief analysis of the curricula revealed that in some cases, trainings assumed a female-focus in their descriptions of trafficked victims, which suggests that the rhetoric is worthy of examination. The following three examples provide quotes from the JPMA training that suggest useful tactics for interviewing and investigating cases of human trafficking. The quotes also demonstrate the ways in which the training actively distorts the image of trafficked victims as female, foreign, and sex-trafficked.

Example 1: In the "Interviewing Adult Sex Trafficking Victims" section, the training attempts to distinguish between prostitution and sex trafficking by highlighting the role of consent. The text reads: "Adult sex trafficking cases require the same standard of proof as adult forced labor. When interviewing sex trafficking victims, you must determine if the victim has

consented to being a prostitute. Keep in mind that initially *she* may have consented to being a prostitute; however, if *she* changed *her* mind later and wanted to leave but was not allowed to do so, *she* becomes a trafficking victim (emphasis mine).”

Example 2: In the “Listen Actively to the Story” section, the training advises that gaining a victim’s trust with compassion is imperative to creating a successful case. The text reads: “Hold a casual conversation with the victim and find out more about him or her before your official interview. *Most of these victims come from countries where the government is corrupt.* By being compassionate and bonding with the victims, you will make them feel safe, and you will get the information that you need to help them and assist with your investigation (emphasis mine).”

Example 3: In the “Definition: Sex Trafficking Victim” section, the training emphasizes the element of coercion as a particularly strong influence. The text reads: “Sex trafficking involves the use of force, fraud, or coercion to induce a commercial sex act by an adult. The element of consent distinguishes prostitution from forced prostitution. Keep in mind that some traffickers are themselves former victims... Traffickers will lure victims into a forced sex situation by telling them if they come to the U.S., they can be the trafficker’s *girlfriend*. This ploy works especially well if the *female* has a child and is told that the trafficker will adopt the child (emphasis mine).”

These examples highlight the troubling essentialism that plagues parts of the federal training. While the examples are only snippets of the larger training, there were no examples of scenarios that focused on exclusively male subjects beyond those used to clarify that men and

boys were capable of being victims as well. In example 1, the consistent and exclusive use of female pronouns is pronounced and creates the image of a victim who is necessarily female, not male. Here, the implication of using all female pronouns signifies to the audience that men are not- or perhaps *cannot* be viewed as victims of sex trafficking. Robert Uy claims that the discourse on sex trafficking is often imperialist (210), and the language in example 2 makes a sturdy case in support of it. By evoking the images of a third-world victim who is unfamiliar with trustworthy government, the training suggests that compassion from a presumably virtuous officer or victim service provider will “win over” a victim. The victim, then, becomes a tool for obtaining the required components for a solid case. In this scenario, the victim is re-victimized by being cast as a means to an end (a prosecution) rather than a person who has likely suffered immensely. We can infer from this excerpt that the use of compassion is presented as a tool for law enforcement and victim service providers to more efficiently perform data extraction from victims in order to facilitate the flow of information from one who holds the knowledge (the victim) to those seeking the knowledge (law enforcement). In this way, a victim’s confession or willingness to assist is construed as a means to an end, where the end goal is prosecution. Example 3 is problematic as it reflects Uy’s notion that sex trafficking is also sexist in its assumption that women in sex trafficking are helplessly weak, vulnerable, and without agency. The example also supports Janie Chuang’s assertion that trafficked women are seen as passive victims caught up in the actions of bad, active men, which reinforces the dichotomous stereotype of sex trafficking as a matter of innocent women and evil men.

Procedure for Quantitative SAS Text Mining Analysis to Determine Frequency of

Population Demographic Representation

To conduct the quantitative analysis, I obtained two state-sponsored anti-trafficking training curricula. All trainings were available via the internet with the help of the OVC's Task Force e-guide tool. For this study, the curricula were labeled as "3270" and "3271" to signify the course numbers of two trainings created by the state of Texas's own TCLEOSE. The first step in the text mining process involved reading a training through to its end to conceptualize the trainings as holistic accounts of anti-human trafficking training efforts, or what was most important, and who the trainings revealed to be prominent "faces" of trafficking for the purposes of recognition and/or identification. The second step entailed extracting keywords and phrases contained within the trainings using the computer-based text mining program SAS. In order to accommodate for weaknesses inherent in text mining methodology, ambiguity and the complexity of nuanced, natural language (Gaikwad et. Al, 42), the research was tailored to record each keyword as the words corresponded to the trainings with careful consideration of context. For example, if the word phrase "he/she" was used in a training curricula, it was considered invalid because the gendered pronouns 'cancelled out,' and the phrase was therefore omitted from the final count. Furthermore, gendered pronouns used in reference to police officers, judges, family members were omitted in the final count because my goal was to determine victim demographics, not those of auxiliary actors. However, because many traffickers are or were victims at one point, gendered pronouns, ethnic and sexual minority modifiers used in reference to traffickers were included in the final count. The findings from this venture are

represented in *Table 2* using a control for document size. Once the keyword analysis was complete for each training curriculum, the text mining was finished. Two sets of data were complete at this point-- one for each of the trainings-- that represented a concise articulation of the key victim demographic frequencies within each training curriculum. In the third step, the researcher reflected on the central themes of vulnerability that were originally expressed in the sample of previous scholarly literature and reports, and observed the comparative frequencies of victim demographic representation between the three to illuminate the relevance of vulnerable victims respective to each training. I then asked two questions to determine the following: 1) what images of a trafficked victim does this training construct, according to the (data set) frequency of victim demographic representation?); and 2) what do the findings tell me about how the training curriculum addresses vulnerable populations identified in previous research? Answers to these questions were then given using the statistics revealed throughout the research process and in careful consideration of claims from previous research.

Findings and Discussion

Figure 1 represents the results of total keyword ‘hit counts,’ or the total number of times each word appeared in the sample texts. The experiment yielded the following results:

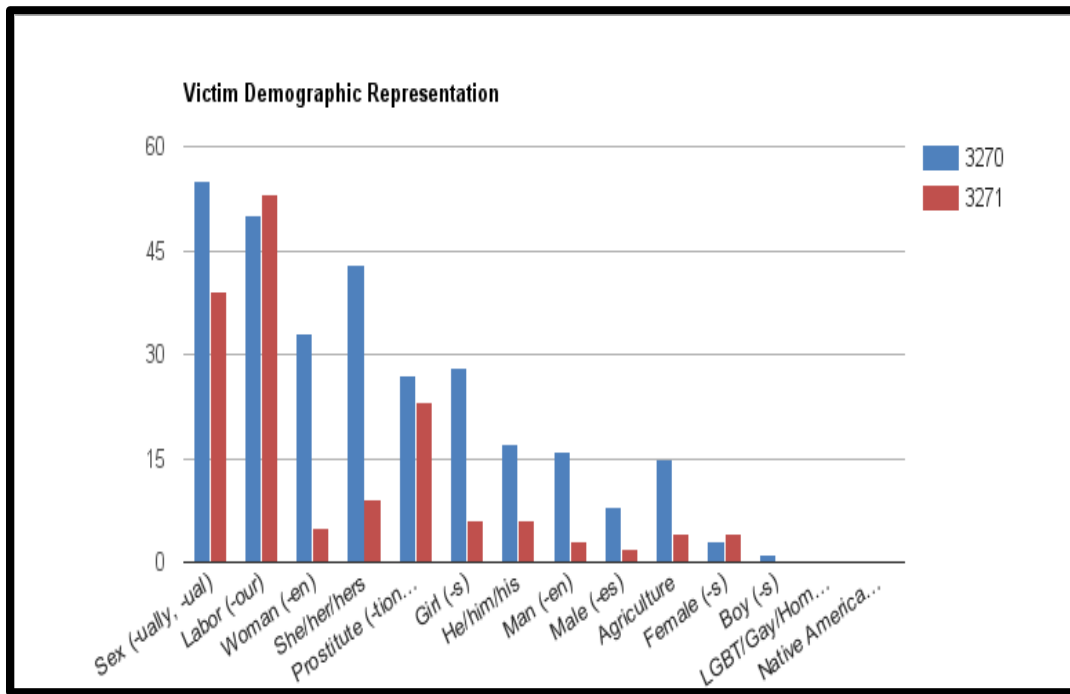
- The keyword with the highest distribution across trainings was *sex* (with the modifiers *sexually* and *sexual*).
- The second highest distribution was *labor* (which included the modifiers *labour* and *labored*).

- *Prostitution* (and modifiers *prostitute, prostituted, prostitutes, and prostituting*) placed as the third highest.
- *She/her/hers* placed as the fourth highest, with *woman/women* following closely behind.
- *Man* and *male* (and modifiers *men, men's, males*) collectively scored below 8% representation across all trainings.
- *Boy* (and *boys*) ranked second from the bottom with just one hit.
- *Girl* (and *girls*) ranked in the middle, with 50 total hits.
- *LGBT* (and modifiers *lesbian, gay, bisexual, transgender, homosexual, queer*) totaled zero counts.
- *Agriculture* yielded zero results. Thus, the search was expanded to include “farm” as a keyword query, which resulted in four total counts.
- *Native American* (and modifiers *American Indian* and *Indigenous*) received zero counts.

As *Figure 1* demonstrates, there is a significant discrepancy in victim demographic representation between vulnerable populations in the trainings. The two trainings created by Texas law enforcement entities had a high percentage of women, girls, and sex trafficking represented within their training materials. These findings are consistent with the Texas Department of Public Safety’s confession that most of the emphasis in Texas has been on victims of sex trafficking. Therefore, in response to the first question, “What images of a trafficked victim does this training construct, according to the frequency of victim demographic

representation?,” *Figure 1* demonstrates that victims of human trafficking are projected as being primarily women trafficked for either sex or labor, and sometimes girls.

Fig. 1. Victim Demographic Representation Found in TCLEOSE Trainings



In response to question two, “What do the findings tell me about how the training curriculum addresses vulnerable populations identified in previous research?,” data suggests that state and local law enforcement do not receive training that addresses vulnerable populations in any depth despite previous research findings. Therefore, we might project that state and local law enforcement in Texas do not receive comprehensive anti-trafficking training and are likely impeded in the ability to recognize LGBT and male trafficked victims, instances of labor trafficking, and domestic victims. Furthermore, the low to non-existent representation of boys, LGBT, and Native Americans within trainings suggest that not only are law enforcement

probably incapable of identifying victims outside the ‘perfect victim’ stereotype, but also may not be looking for them.

Ironically, while training curricula consistently and strongly conveyed messages that a victim can be any gender, age, race, or nationality, and that victims could be found in both sex and labor trafficking, trainings simultaneously engaged in a narrowly defined victim type of women and foreign nationals as trafficked victims. This was evidenced by the training’s expression of victim representation and the fact that *men* and all relating keywords represented just over a quarter of the total counts found for women’s keywords.

No trainings gave significant attention to LGBT individuals despite federal attempts to integrate an awareness of the vulnerability of LGBT community members to trafficking. Across all three trainings, keywords for LGBT, homosexual, gay, lesbian, and transgender were noticeably absent, totaling zero hits.

Contrary to previous findings, the amount of measurable discussion on labor trafficking in trainings was nearly equal to that of sex trafficking, if not a little more. This suggests that law enforcement’s initiative or limited familiarity with labor trafficking may be a contributing factor for low numbers of identified victims.

One unexpected discovery in the research pointed to an over-representation of foreign victims over domestic victims in training curricula. The contradictory victim demographic findings discussed above could conceivably impact an officer’s ability to identify other types of victims and serve to limit the identification and discovery of victims who are minorities and/or ‘non- traditional’ victims.

The complete lack of LGBT presence in anti-trafficking trainings is worrisome for future anti-trafficking efforts. LGBT victims in Texas may be especially at risk because of Texas's political disenfranchisement of LGBT populations, adding to their high likelihood of being overlooked or subjected to social discrimination. For example, government leadership in the state of Texas has openly condemned homosexuality and transgender identities through restrictive legislation that has garnered national attention and federal intervention from the Supreme Court. The landmark case of *Lawrence v Texas*, (also known as the anti-sodomy law) was struck down by the Supreme Court in just 2003. More recently, on the heels of the *United States v Windsor*, the Texas governor declared through press release his continual support and protection of traditional, heterosexual marriage (Abbott). Texas also saw the repeal of Houston's Equal Rights Ordinance (HERO) in 2015, which extended the legal criteria of 'discrimination' to include instances of perceived sexual orientation and gender identity (*Houston Equal Rights Ordinance*). In April 2015, Senator John Cornyn of Texas blocked a proposed anti-discrimination clause in the Runaway and Homeless Youth and Trafficking Prevention Act reauthorization that would have barred victim service providers receiving federal funds from discriminating against LGBT youth trafficked victims, citing concerns about religious freedoms (Sneed). At the time of this paper's drafting, expressing a gay identity at work is legally justifiable grounds for release from employment in Texas, unless employees are located in a city with an anti-discrimination ordinance specifically banning it.

Scholars have projected that the focus on sex trafficking often has [*racist,*] sexist, and imperialist overtones (Uy 210), and the outcome of this experiment reflects these claims.

Without rights, protecting youth and adults from abuses that may occur either partially or wholly due to vulnerability associated with their sexual orientation and/or gender identity, individuals who need increased protections will likely be difficult as LGBT individuals find themselves with no legal leg to stand on—trafficked or not. Furthermore, previous research suggests, and this study confirms, that men and boys run increased risks of not being identified by law enforcement because they barely exist in training literature.

Conclusion

This study raised unexpected questions about the possible impact of trainings on law enforcement. Whether or not law enforcement begin to identify minority victims of human trafficking is not simply a matter of educating them on the existence of minority people in duress. Rather, a distinct change in the way law enforcement perceive human trafficking will most likely come from a overhaul of deeply entrenched “cultural blinders” (Farrell et Al.), including longstanding institutional traditions that shape the confirmation bias held by officers, lawyers, judges, victim service providers, and members of the community. The lack of men, boys, LGBT individuals, and Native Americans/American Indians in Texas’s efforts to train officers successfully is considered a weakness in anti-trafficking efforts by this researcher.

The Vera Institute of Justice released a tool for the identification of victims of U.S. human trafficking in 2014 in response to the lack of standardized screening protocols. According to the research report and screening tool, the tool functions as “a means to address the fundamental issue” of victim misidentification in the United States that could be accessible to both service providers and law enforcement (2). The research, which was funded by the National

Institute of Justice, compiled interviews and statistical data from victim service providers, law enforcement, and individual victims of trafficking located in rural and urban areas across the United States over a span of 3 years. Essentially, the tool gauges an interviewee's responses using either a long- or short-form set of questions that are capable of predicting all types of trafficking (3). The Vera Institute's screening tool has been successfully validated by the NIJ and law enforcement and service providers as an effective predictor of human trafficking since its inception, partly for its attention to diverse populations. Taking factors such as race, gender, country of origin, age, type of trafficking, LGBT identity, English proficiency, and years of education into account, the questions represent common indicators gleaned from over 180 participants from 40 different countries of origin (3). According to the report, the effectiveness of the tool hinges upon using it appropriately and in situations where trust has been built (5). The report suggests that screeners "take a victim-centered approach and be sensitive to the trauma and fear" that many victims feel when entering an interview (id).

The screening tool utilizes by far the most comprehensive approach to identifying victims of human trafficking, but it fails to address a critical issue in victim identification: the fact that many officers do not recognize certain victims of trafficking immediately. In the field, where officers are most likely to encounter victims of trafficking, the tool has the potential to work only after an officer develops a suspicion that someone is a potential victim of trafficking and then acts on it. Therefore, one angle of my research seeks to address state and local law enforcement's ability to quickly recognize vulnerable populations who are not traditionally represented in human trafficking trainings. Taking a pointed effort to expose law enforcement to vulnerable

populations in training will allow them to more quickly identify vulnerable populations and minorities as potential victims of trafficking. This first step in identification is key to an officer's ability to initiate tools like the Vera Institute's screening device, and ultimately determine whether or not someone is a victim of trafficking.

The goals of feminism are firmly rooted in social change movements, which initially sought to improve the material and immaterial status of women around the world. Legal reform stood at the forefront of these movements throughout history. Realizing that the law was neither neutral nor objective in its treatment of women, feminists have traditionally fought to expose and reverse many of the ways in which sex discrimination served as the primary justification for restricting women's social participation, employment, and protection under the law. Feminist legal scholar, Heather Ruth Wishik explains that feminist jurisprudence is therefore focused on the law's role in "perpetuating patriarchal hegemony" by grounding critical inquiries in women's concrete life experiences (33). "The experiences," she continues, "are the source of feminism's validity and its method of analysis." Therefore, just as feminist jurisprudence is primarily political, it is also active in its efforts to promote social justice. Today, the academic field of women's and gender studies remains committed to critical evaluation of laws, policies, economic practices, and social systems that operationally marginalize groups of people without majority or privileged status. As such, women's and gender studies scholarship can, and often *does*, make significant contributions towards social justice in law and society overall. By shifting the focus on inquiry from the majority's perspective to the perspective of minorities, women's and gender studies, as an academic branch of feminism, use the inverted lens as a tool to examine the

impacts of legal decisions created with the intent to benefit of “all;” finding that in many cases, legal protections do not extend to those in the most vulnerable populations.

As a feminist scholar, I have attempted to determine the reach of the law in just this way. My research contributes to the field of women’s and gender studies by embracing the powerful insights of research that came before me and building upon their findings, many of which discovered gendered biases in trafficking policies through a methodology similar to the “inverted lens” approach. I too use the inverted perspectival lens as a platform of inquiry, but this study introduces a new method of analysis to the current scholarship on human trafficking. To tease out nuanced patterns of hegemonic and patriarchal influence in trainings, the study examines two areas that had never been explored in scholarship prior to this research—the victim demographic representation in trainings, and the trainings used in geographical area of Texas. Findings suggest that dialogue on trafficked victims continues to permeate anti-trafficking efforts and subtly promotes a stereotypical victim type that may limit officers’ ability to recognize victims of trafficking if they are not adequately trained to identify a variety of victims. To this end, trainings promote the idea that trafficking is mostly sexual in nature, and that the victims are mostly women. Previous scholarship from women’s and gender studies, sociology, political science, legal studies, and social work have identified a multitude of legislative and practical efforts as “mismatched” with the reality of human trafficking and many victims’ lived experiences. This study is unique in that it takes the first steps towards identifying trainings (and the content of law enforcement education more generally) as a potential area for future inquiry

for scholars interested in ameliorating the rampant misidentification of trafficked victims by law enforcement.

The study addresses a gap in the literature related to victim identification struggles generally, and more specifically, the gendered bias present throughout anti-trafficking legislation and scholarly conversation. It has opened a door for further research related to identifying regionalized hurdles to anti-trafficking implementation success by identifying a number of critical constituents in these trainings. Few of the trainings designed by either federal or state entities have been examined in previous studies to any large extent, and therefore, a future study of any or all of these features could contribute significantly to increased understanding of the realities and roadblocks to successful, comprehensive anti-trafficking efforts in any given region.

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