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# LAW ENFORCEMENT MANUAL

IMB TOOLKIT



# RESEARCH AND PRODUCTION TEAM

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# EXECUTIVE SUMMARY

IMBs use the cover of a legitimate service to engage in prostitution and often human trafficking by using force, fraud or coercion to compel the women working there to provide sexual services to the buyers who patronize these places. IMBs make the communities they inhabit less safe, and, if not quickly addressed, can grow to become an intractable drain on law enforcement resources. This manual details methods law enforcement can use to decrease or eradicate IMBs within the communities they serve.

IMBs are often unlicensed and in violation of numerous local municipal ordinances, state laws and regulations, and federal statutes. Existing state law empowers local law enforcement to enter massage establishments to ensure compliance with the Texas Occupations Code and the Texas Administrative Code. All Texas peace officers can issue citations for infractions of these codes, which can later become grounds for various administrative sanctions, including license denial and revocation. This manual describes in detail how to effectively employ these existing statutes and regulations to eradicate IMBs.

This manual also provides best practices for engaging with the victims trapped in IMBs, including how to interview and work with survivors using victim-centered, trauma-informed methods.



# SCOPE OF THE PROBLEM

There are nearly 9,000 IMBs in the United States, and nearly 700 illicit massage businesses (IMBs) blight the Texas landscape. [1,2] These typically unlicensed operations are fronts for prostitution, and many engage in human trafficking.

Although IMBs are undeniably prevalent in large cities like Houston and Dallas, they are increasingly infiltrating smaller cities, towns, and suburbs. Law enforcement spends a disproportionate amount of time patrolling these locations, sapping local departments' time and resources, but their proliferation continues, making the communities they inhabit less safe.

Meanwhile, the women trapped in these storefronts are forced to provide sexual services to as many as ten men a day. These cash-only businesses attract violent crime, and surrounding neighborhoods and residents suffer an overall poorer quality of life. IMBs also tarnish the reputation of legitimate massage therapy by using a needed and respected service as cover for despicable criminal acts

Contrary to popular perception, IMBs are not relegated to only the seedier parts of town. In fact, when CHILDREN AT RISK mapped out suspected IMBs across the state, we found IMBs were often located in or near affluent areas. [3] This is likely because the men who frequent IMBs come from a wealthier demographic than those who seek to buy prostituted individuals on the street.

IMBs operate out of brick and mortar establishments, and are a contemporary manifestation of a historic brothel. The vast majority occupy leased commercial space. These fronts for human trafficking are located next to daycare centers, beside veterinary offices, and a few doors down from craft stores.

In fact, CHILDREN AT RISK estimates that approximately 35,000 Texas children attend school within 1,000 feet of an IMB, and over 900,000 children attend school within a mile of at least one. [4] Within the larger commercial landscape, IMBs are no longer concentrated in red light districts by social pressures or policing.

Law enforcement departments typically seek to combat IMBs through sting operations, but these stings usually result only in victim arrests for prostitution. The arrested victims will rarely testify against the IMB owner/operators due to fear, intimidation and other factors and are unlikely to raise trafficking as an affirmative defense to the charges brought against them. Even if they do trust the government to protect them, many have family in their home country that could be in danger from the network of exploiters.[5]

*"I didn't know I was a victim of anything except circumstance."*

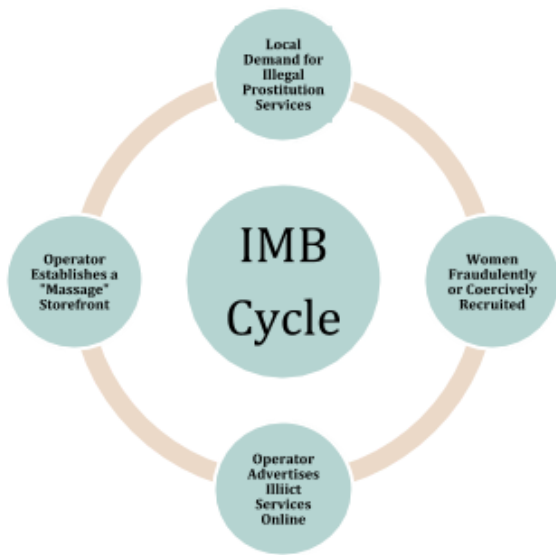
-Caitlin Kelly Lawrence, sex trafficking survivor (taken from 2017 Trafficking in Persons Report)

IMBs are also part of larger networks of labor and sex trafficking networks which flow transnationally. These establishments engage in debt bondage, along with organized criminal activities such as money laundering, immigration fraud, smuggling, wage and hour violations, and tax evasion. Each node in this "trafficking hub" presents a possible opportunity for local intervention and prevention.

IMBs are hidden in plain sight in our hometowns and communities. These illicit establishments violate a multitude of state and federal laws. Often, IMBs operate in violation of zoning, licensing, and regulatory municipal ordinances. By adopting a problem-oriented approach to IMBs and human trafficking, cities and towns can take a proactive and preventative approach.

Existing state laws can fortify local ordinances and regulations, and local law enforcement can utilize a number of existing laws to inspect and deter IMBs. The following toolkit for municipalities explains how these resources can be maximized to eradicate IMBs in our cities and in the State.

## WHAT IS HUMAN TRAFFICKING?



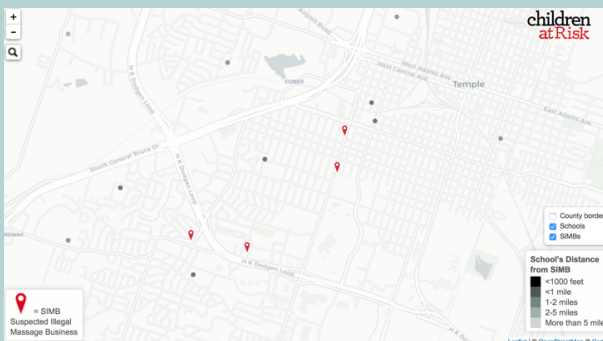
Human trafficking is a form of modern-day slavery. It is a public health issue which impacts individuals, families, and communities, and traffickers often target at-risk populations.[6] This includes people who have experienced or been exposed to various forms of violence (child abuse, interpersonal violence, sexual assault, and community and gang violence) and individuals disconnected from support networks (such as runaway and homeless youth, unaccompanied minors, and persons displaced during natural disasters).[7]

Women and girls are victimized at a high rate. Many are trafficked into the international sex trade, often by force, fraud, or coercion. [8] The low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry. Human trafficking is not limited to the sex industry only—it is also a growing transnational crime which can include forced labor and involves significant violations of labor, public health, and human rights standards worldwide.

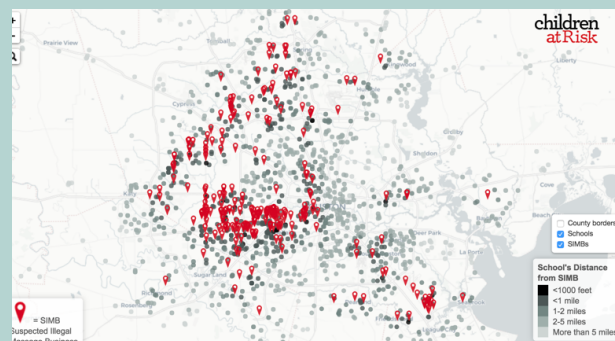
The Trafficking Victims Protection Act of 2000, the primary federal legislation protecting trafficking victims defines “severe forms of trafficking” as:

- Sex trafficking: the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.
- Labor trafficking: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

## WHERE ARE ILLICIT MESSAGE BUSINESSES



MAP OF ILLICIT MESSAGE BUSINESSES IN TEMPLE TX



MAP OF ILLICIT MESSAGE BUSINESSES IN HOUSTON TX

IMBs are unique amongst “indoor sex trade venues because they are hidden in plain sight.”[9]

Illicit Massage Businesses are in your town, near your family home, local business, or neighborhood schools. While large cities tend to have more IMBs, they can also be found in shopping centers or strip malls in small towns.[10]

700

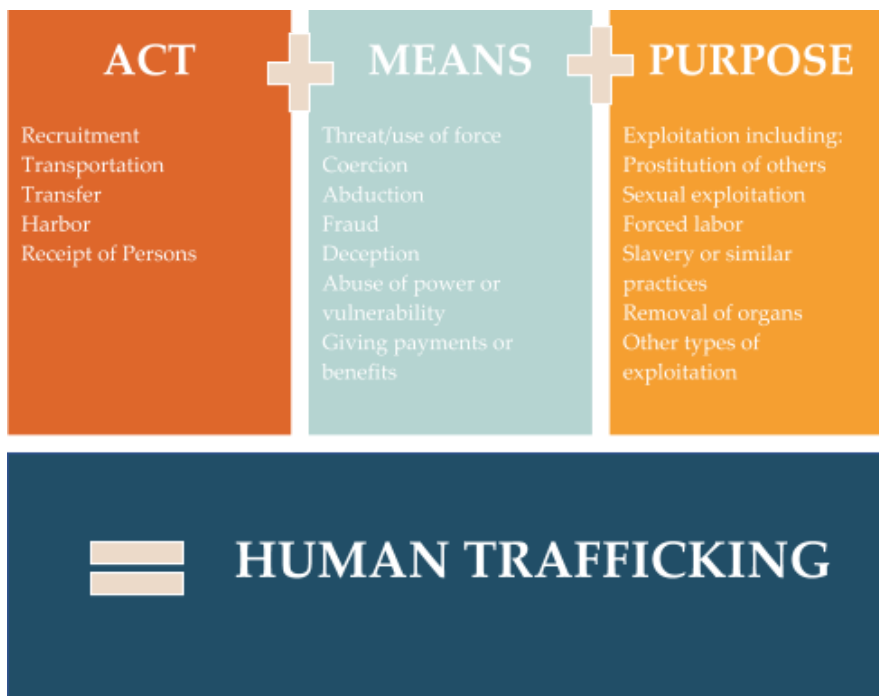
*illicit massage  
businesses in Texas*

35,000

*Texas children attend  
school within a thousand  
feet of an illicit massage  
business*

## HOW VICTIMS ARE TRAFFICKED

Traffickers use **force, fraud, or coercion** to get victims to engage in commercial sex or forced labor. Anyone can be a victim of trafficking anywhere, including within the United States.



Examples of “force” can include physical beatings, sexual violence, drug and/or alcohol abuse, withholding of documents, deprivation (lack of food/water), physical restraint, confinement, and isolation. Examples of “fraud” includes the use of false documents, false offers of employment, and the use of deception. Examples of “coercion” includes debt bondage, psychological abuse, control through threats of violence, and reporting, or threatening to report, immigration status to immigration officials or to police.

Human Trafficking is not synonymous with smuggling. Trafficking is a crime related to the exploitation of another person to generate profit whereas smuggling is an illegal commercial transaction between two willing parties, which is transportation based. Trafficking does not require the physical movement of a person, is exploitation-based, and is a human rights violation. Smuggling is a crime against a state’s borders, and the parties will part ways once the transaction is complete. Smuggling is a crime which includes those who consent to being smuggled. However, what begins as smuggling can evolve into trafficking.

## HUMAN TRAFFICKING CRIMES & INFRACTIONS

IMBs not only engage in trafficking but also operate in violation of both state and federal laws. The operation of an IMB can violate criminal statutes related to trafficking of persons and debt bondage.[11] IMBs can also engage in organized criminal activities such as money laundering, immigration fraud, smuggling, and/or tax evasion.[12] In addition to violating penal statutes, IMBs operate in violation of zoning, licensing, and workplace safety laws, regulations, and ordinances.



# HUMAN TRAFFICKING CRIMES AND INFRACTIONS (STATE AND FEDERAL)

\*\*For full Criminal Offense and Penalty Chart, please reference Appendix

## Felonies

- TRAFFICKING OF PERSONS (SEX & LABOR)
- CONTINUOUS TRAFFICKING OF PERSONS
- COMPELLING PROSTITUTION
- AGGRAVATED COMPELLING OF PROSTITUTION
- PROMOTION OF PROSTITUTION
- PROSTITUTION (4TH OFFENSE, BUYING/SELLING)
- CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER
- EMPLOYMENT HARMFUL TO CHILDREN
- MONEY LAUNDERING
- TAX EVASION
- CONSPIRACY
- SMUGGLING
- CONTINUOUS SMUGGLING

## Misdemeanors

- OPERATING MASSAGE PARLOR WITHOUT A LICENSE
- OPERATING MASSAGE IN VIOLATION OF COUNTY REGULATION
- UNLAWFUL RESTRAINT
- PROSTITUTION (BUYING/SELLING)
- CODE VIOLATIONS (OCCUPANCY, FIRE, BUILDING, HEALTH AND SANITATION)
- LICENSING VIOLATIONS (STATE AND MUNICIPAL)

# AUTHORITY AND ACCESS



## ENFORCEMENT AGENCIES

There are two possible enforcement units which a police department could utilize to investigate and inspect IMBs. A traditional vice investigation usually investigates incidents surrounding these locations. Police departments can also utilize some form of a differential response team, a combination of peace officers and code enforcement officers. The Texas Department of Licensing and Registration (TDLR) employs its own investigators which inspect massage establishments to ensure compliance with the state-level regulations (the Texas Occupations Code and the Texas Administrative Code).

## Texas Department of Licensing and Regulation (TDLR)

TDLR is the Texas agency tasked with enforcing the massage licensing requirements as outlined in Chapter 455 of the Occupations Code. TDLR offers four types of massage-related licenses - massage therapist licenses, massage establishment licenses, massage instructor licenses, and massage school licenses.[14] Additionally, TDLR provides approval for continuing education instructors and courses.[15]

Massage therapists must pass a massage therapy education course at a licensed massage school or state approved institution. [16] Approved courses include at least five hundred hours of instruction, evidenced by an official transcript.[17] Applicants must pass an approved examination prior to submitting their application.[18] All applicants for any license type are subject to a criminal background check.[19] Applicants with a criminal history of sex-related offenses, including human trafficking or prostitution, will not be licensed. [20] Once licensed, massage therapists must renew their license every two years.[21]

### *Enforcement*

TDLR conducts an initial inspection when an establishment or school applies for a license. [22] Each establishment or school is subject to a biannual unscheduled inspection conducted by TDLR.[23] TDLR can also conduct an inspection subsequent to a complaint.[24] Members of the public may search TDLR's licensing database to see whether a particular establishment or therapist is currently licensed. The database provides information about the licensee, establishment, address, phone number, and expiration date of the license.

TDLR can impose administrative sanctions on licensed or unlicensed establishments and/or therapists. Administrative actions can include:

- Administrative penalties; [25]
- Cease & desist orders; [26]
- License Sanctions, including license denial, [27] revocation, [28] and suspension. [29]

### *Law Enforcement [30]*

Any peace officer of the State (as defined in Article 2.12 in the TCCP) can make arrests or issue citations for:

- Unlicensed therapists;
- Both the owner/operator and/or therapists;
- Prostitution;
- Both the owner/operator, therapists, and/or customers;
- Clothing designed to arouse/gratify sexually;
- Owner/operator of the establishment;

A traditional vice investigation will utilize undercover operations as its main form of investigation. Often, vice units, performing a stand alone investigation, primarily focus on prostitution arrests. In contrast, a differential response unit's primary focus is to reduce the crime rate at a particular location. Eliminating businesses which operate as fronts for illicit activity is a key step to ensuring community safety.

### *Differential Response Team [31]*

The Differential Response Team (DRT) is a unique unit within Houston’s Police Department. The purpose of the Differential Response Team is to work with the Central Business District Community to reduce crime and improve the quality of life.[32] The Differential Response Team is comprised of peace officers who are also code enforcement officers. The DRT unit enforces State regulatory law and various municipal code provisions related to the massage industry, minimum property and building standards, fire code, burglar alarms, and health and safety standards.

A regulatory inspection can lessen the likelihood that victims of human trafficking are re-victimized through prostitution arrests. Instead of arresting potential victims of human trafficking on prostitution charges, peace officers can gain access to the business on regulatory grounds.

The DRT unit also collaborates with vice during their inspections and investigations. These inspections can occur at three different points within a vice investigation (before, during, after/follow-up). Utilizing regulatory inspections decreases the frequency that officers may be burned for undercover work. Law Enforcement wishing to utilize an integrated method do not have to adopt Houston’s DRT model precisely. For example, the Dallas Police Department has a code enforcement officer who works with the Narcotics Department in their investigations.

## AUTHORITY FOR ACCESS— INSPECTIONS & WARRANTS

### *Searches, Generally*

The right to be free from unreasonable searches and seizures is protected by both the federal and Texas Constitution.[33].[34] The right to be secure from unreasonable searches and seizures applies to both residential and commercial premises. The Texas Constitution does not impose a warrant requirement like the federal constitution[35] for a search to be reasonable. However, courts will consider whether a search is “reasonable,” and obtaining a warrant prior to a search is a considerable factor in this analysis.

### *Inspections & Investigations of Massage Establishments*

TDLR, an authorized representative of TDLR, or a peace officer may enter the premises of a massage establishment or massage school at:

- reasonable times to conduct an inspection;
- to issue a license; and
- other times which are considered necessary to ensure compliance with Chapter 455 of the Occupations Code, and Title 6, Chapter 117 of the Texas Administrative Code [36]

The Texas Code of Criminal Procedure defines who are peace officers, and these officers include[37]:

- Sheriffs, deputies, and reserve deputies;
- Constables, deputy constables, and reserve deputy constables;
- Marshals or police officers of an incorporated city, town, or village, and reserve municipal police officers;
- Rangers, officers, and reserve officers corps commissioned by the Public Safety Commission;
- Investigators for district and county attorneys’ offices; and
- Law enforcement agents of the TABC.

Massage establishments are also subject to inspection as a result of a complaint.[38] At the very least, massage establishments must be inspected at least once every two years. [39] To commence an inspection into a massage establishment it is not necessary to secure a search warrant. While warrantless searches are generally unreasonable, there is a narrow exception for industries which are heavily regulated. [40] A warrantless inspection of a commercial premises is permissible where an industry is closely regulated that the privacy interests of the owner are weakened, and the government interest in regulating the industry is higher. [41]

Courts have concluded these warrantless administrative searches are permissible because the regulatory statute, which grants authorization for the search, performs the two basic functions of a warrant.[42] The statutory authorization gives notice to the owner of the commercial premise that the search is being made pursuant to the law and properly defines the scope of the search, while limiting the discretion of inspecting officers.[43]

If entry into the premises is refused, obtaining a search warrant prior to inspecting the IMB is the most prudent course of action. If evidence is seized during a warrantless search of an IMB, the defendant is likely to file a motion to suppress in hopes of excluding the evidence gathered. Obtaining a warrant prior to a search creates a presumption that police conduct—pursuant to the warrant—is reasonable.[44]

### *Search Warrants*

A search warrant will contain the search warrant itself, the search warrant affidavit, and the return of service. The search warrant is a written order, signed by a magistrate, which directs or commands police to search for specific property, or a person, at a particular place at a specific time.[45] A search warrant must state with particularity (or specificity) the place or person to be seized.[46]

## The Search Warrant Affidavit

The search warrant affidavit establishes the probable cause and serves as evidence of a criminal activity. There must be probable cause to believe that items subject to seizure are in a particular place or on a particular person *at the time of the issuance of the warrant*.<sup>[47]</sup> The probable cause must be contained within the four corners of the affidavit. Thus, the search warrant affidavit must allege:

- That a crime has occurred;
- A description of the thing or person to be seized and that the thing or person to be seized constitutes evidence of a crime, and;  
→ *To meet the particularity requirement the search warrant affidavit cannot be looking for "all evidence of a crime."*
- Facts and circumstances establishing a probability that a search of the place will yield the thing or person to be searched for.<sup>[48]</sup>  
→ *To meet the particularity requirement, there must be a specific address included within the search warrant affidavit.*

What can be searched or seized?

- **Contraband**—items which are fruits of crime or instrumentalities of crime can be seized (e.g. drugs, stolen property, obscene materials);<sup>[49]</sup>
- **Mere evidence**—ordinary property or items which become evidence because it is related to an offense (e.g. a blood sample); <sup>[50]</sup>
- **Person(s)**;<sup>[51]</sup>
- **Electronic customer data**—electronic customer data, contents, records, and other information related to a wire communication or electronic communication held in electronic storage;<sup>[52]</sup>
- **Cell phones** (and other wireless communications).<sup>[53]</sup>



## Administrative Warrants

An administrative search warrant can be issued to fire marshals, health officers, or code enforcement officials,[54] at any level of state or local government. The warrant allows for the inspection of a specified premise to, “determine the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute, or ordinance.”[55]

To obtain an administrative search warrant, the applicant must demonstrate “evidence of probable cause to believe that a fire or health hazard or violation or unsafe building condition is present in the premises sought to be inspected.”[56] The issuing magistrate is not limited to considering evidence of specific knowledge, and can consider the below listed factors to determine whether probable cause exists:

- The age of the premises;
- The general condition of premises;
- The history of prior violations or hazards at the premises;
- The type of premises;
- How the premise is used;
- The purpose for which the premise is used;
- The presence of hazards or violations in nearby premises; and
- The general condition of surrounding premises.[57]

*Note: The search warrant/supporting affidavit does NOT have to allege these factors in order for the magistrate to consider these factors, and general concerns related to the condition of the premises, along with the complaint history of a premise, can be sufficient to establish a substantial basis that probable cause exists. [58]*

An administrative search warrant does not allow for the seizure of persons or property. However, an exception to this rule is the plain view doctrine. Whatever a person exposes to the public, even in his own home or office, is not subject to Fourth Amendment protection because no “search” occurred, as understood by the Fourth Amendment, when a police officer observes something which is open to view.[59] Items in “plain view” may be seized by law enforcement if:

- The initial intrusion was proper (police had a right to be where they were when the discovery is made, and;
- It is was immediately apparent to police that they have evidence before them (probable cause to associate the property with criminal activity).[60]

*Note: Reference your jurisdiction’s municipal code, city charter, and any other applicable regulations to determine law enforcement’s jurisdiction within the political subdivision. An important pitfall to consider related to administrative warrants is whether police officers are allowed to accompany during an inspection.[61]*

# IMB INVESTIGATIONS



## IMB INSPECTIONS

If law enforcement is utilizing a regulatory inspection, the inspection can occur at three different times:

1. **Before** a traditional vice investigation;  
→ This creates an opportunity for DRT to perform recon for a traditional vice investigation
2. **In conjunction** with a vice investigation;  
→ This can enhance the vice investigation, and the regulatory inspection can be performed during an investigation or immediately after.
3. **After** an arrest or as a follow-up to a previously performed regulatory inspection.[62]

A stand alone regulatory inspection may not necessarily encourage the illicit business to bring the establishment up to compliance. From the DRT/regulatory perspective, having a “zero-tolerance” policy against any violations can incentivize non-compliant businesses into compliance.



## 1. Pre-inspection Research

Prior to performing a regulatory inspection, the following research should be compiled. This research can help bolster the authority to enter and inspect the premises and direct the type of violations you may expect to encounter:

- Advertisements
- Online Research
- Licensing Verification
- Prior Arrests at the Location
- Prior Incidents/Call for Services

### Advertisements

Look for online advertisements promoting the establishment's services. Check to see if the establishment has its own business website, then look at social media and common sites for massage services advertising. Use name, address, and phone number to search. To identify ads associated with massage therapy look for keywords such as:

- Stroking;
- Kneading;
- Percussion;
- Compression;
- Vibration;
- Friction;
- Nerve strokes; and
- Swedish gymnastics.

*Note: These establishments might offer other services such as "relaxation services" in an attempt to circumvent licensing requirements related to massage therapy.*

Many massage parlors are engaging in deceptive trade practices, such as false, misleading, or deceptive advertising of an unlicensed massage establishment.[63] **Take screenshots or print out any advertisements that you find on the internet.**

### Using Online Tools To Research

To locate illicit advertising, inspectors can use phone numbers and email addresses to search common search engines like Google, but they should also utilize local law enforcement specific search engines.

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***Memex**, a search engine developed by federal defense employees, is freely available to human trafficking teams at state and local law enforcement agencies.[64] Memex searches the dark web for commercial sex advertisements and other data on websites not readily searchable by public search tools. **Spotlight**[65] is a software which allows law enforcement to search for minors depicted in sex advertisements, and is free for law enforcement use.*

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Other websites that advertise or provide reviews of illicit massage activities:

RubMaps

Facebook

Craigslist

NaughtyReviews

SpaHunters

Reddit

MPReviews

*Note: The search for advertisements should not be limited to online sources exclusively. Chinese newspapers and similar circulars may be another place where illicit establishments might choose to advertise.*

## Licensing Verification

Check TDLR's website to see if the massage business is licensed. Note the names, addresses, phone numbers, and expiration dates of the licenses. To access this verification tool, go to: <https://www.tdlr.texas.gov/LicenseSearch/>.

*Note: TDLR provides public online verification for massage therapists, massage therapy instructors, massage therapy establishments, and massage therapy schools. These licenses can be searched by name, license number, city, or county. This webpage can also be accessed on a cell phone, and be used to verify licenses on site, during an inspection.*

## Prior Arrests & Incidents

Prior to performing a regulatory inspection, research to see what prior arrests have occurred at the business premises, especially prostitution arrests or tickets related to the establishment/IMB activity. In addition, search for records of complaints (TDLR), and prior complaints of disturbances in the vicinity. Disturbances include:

- Robbery
- Prostitution
- Invasions
- Assault

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*By researching these prior calls for services and prior arrests, you are establishing what criminal activity is occurring in the immediate area of the suspected IMB, where the criminal activity is located, and when the criminal activity is occurring. This can help bolster cause to inspect a suspected IMB.*

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## 2. Performing the Inspection

When approaching the building, allow the occupants time to realize that you have arrived. Inspections should be conducted with at least two officers for safety. When conducting an inspection, you are acting as an inspector, not a prostitution or human trafficking investigator. Inspectors should wear their uniform and wear their body cameras, where applicable.

Occupants should not refuse to admit you, but if they do, come back with a search warrant or an administrative warrant. Once entry into the business is granted, the premises should be secured. Everyone inside the premise should be in an area where one of the officers can supervise the individuals while the inspection is being performed. Once the employees are secured on the premises, it is important to get a count of the number of therapists present.

If there is only one massage therapist performing massage therapy or massage services, the solo-practitioner exemption would apply, meaning that while a therapist will be required to have a license, the business itself would not need a massage establishment license

Only one officer should be performing the inspection, and once the site is secure there is no need to rush performing the inspection. This is an inspection, not an evidentiary search. During the inspection, you do not need to access locked doors and cabinets.

While conducting the inspection remember to take pictures of any structural, building, or fire code violations. If at any point during the investigation you spot any contraband or you believe human trafficking is occurring, stop the inspection and contact any relevant units (human trafficking, narcotics, etc.) to assist with the scene.

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*During inspections, pictures of the premises should be taken throughout. This helps to preserve documentation of any structural, fire code, or construction code issues. There is a three year statute of limitations on writing citations after the inspection.*

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### Special Considerations with Taking Photographs

Always use department equipment when taking photos and processing photos. Taking more photos is always better. Remember to take photos in a consistent, methodical manner. For example, work from the outside to the inside, and take pictures in a clockwise direction. Taking photos in a methodical manner is extremely helpful if you are ever cross examined.

- Take photos of any violations that can result in citations.
- Take photos of anything that is criminal and illegal, even if it is unrelated to IMB activity.

## Inspection of the Massage Establishment

Below is a condensed version of the state level rules and regulations related to the licensure and oversight of massage establishments and massage therapists. This list can also be supplemented with applicable municipal or county level regulations, which can vary depending on the locale of your department or agency. Again, any peace officer of the State has the authority to enter and inspect establishments at times “reasonably necessary” to ensure compliance with Chapter 455 and 117.

While this inspection checklist is a condensed version of the State rules and regulations, any peace officer performing an inspection should use the TDLR forms for the inspection. This is the only form which TDLR will accept. Once the inspection is complete, it should be signed by someone, preferably the owner/operator (if they can be identified).

The operator of a massage establishment is anyone who is acting in a supervisory capacity at the time the inspection is performed.[66] If no one can be identified as the operator during the inspection, any employee, contractor, or agent present can act as operator.[67]

The owner of a massage establishment is the person whose name is on a certificate of occupancy issued to a massage establishment (or any person having control over that individual) or who operates a massage establishment under a lease or operating agreement.[68]

### Inspection Checklist:

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- Establishment License** (455.151(a); 16 TAC 117.80(a))
  - Does the establishment offer or advertise massage therapy?
  - Does the establishment employ two or more people?
  - If yes, the establishment must have a current license from TDLR to be open and operating.
  - This status/verification of the license can be confirmed on TDLR’s website.
- Establishment License Displayed** (455.204(a); 16 TAC 117.82(d))
  - Does the establishment employ two or more people?
  - Is the license displayed in a prominent location in full view?
- Establishment Ownership & Location** (455.206; 16 TAC 117.85)
  - Ask the occupants, “has the business been sold?”
  - ME licenses are valid for one location only—they are non-transferrable.
  - The address of the ME will be listed on the license.
  - If there has been a change in ownership, the establishment’s license is void unless they have applied for a new license.
- Complaint Information** (16 TAC 117.90(q))
  - Is the complaint information available to the public?
  - Information regarding filing a complaint must be displayed on a sign, included within consultation documents, or on a bill of sale.

- ❑ **Massage Therapist Licenses** (455.151(a))
    - Requirement for a massage therapist license applies whether the therapist is an employee or independent contractor.
    - Verify the licensure of everyone offering or performing massage, compare IDs against the license to make sure the license belongs to the actual therapist.
    - Therapist license is not required for Reflexology (pressure points on hands and feet only)
  
  - ❑ **Massage Therapist Licenses Displayed** (455.204(b); 16 TAC 117.23(b))
    - Massage Therapist licenses must be displayed for viewing by the general public.
    - If there are too many therapist licenses to be displayed on the wall, it is acceptable for them to be kept in a binder, but the binder must be out in the open and capable of being viewed by the public.
    - Massage Therapist licenses can also be searched for on TDLR's website.
  
  - ❑ **Business Records & Record Keeping**
    - ❑ **Initial Consultation Document** (455.202(c); 16 TAC 117.91)
      - (see appendix for expanded list)
      - Must include all session notes and related billing records.
    - ❑ **Written Consent for Clients under the age of 17** (16 TAC 117.90(g))
      - Licensee must obtain written consent from parent or guardian.
      - Statement about not offering massage to anyone under the age of 17 within the consultation document or on a posted sign.
    - ❑ **Employee Records** (16 TAC 117.82(g))
      - ME must maintain documentation of employment or contractual relationship for every employee or independent contractor.
      - ME must keep a copy of the current massage therapist license, proof of eligibility to work in the U.S. (driver license, social security, employment authorization card), and a completed I-9 (employee) or signed contract (contract labor) for every person providing massage or massage services.
  
  - ❑ **Advertising Compliant** (455.205(c); 16 TAC 117.93)
    - Any person or establishment who is unlicensed CANNOT use the word massage in any form of advertisement (sign, display, etc.).
    - Establishment license number required for all advertising containing the word "massage."
    - Therapists must use either the legal name printed on the license or assumed name and license number.
  
  - ❑ **A Residential/Sleeping Quarters** (16 TAC 117.82(c))
    - Are residential and sleeping quarters separated by a locked door?
    - Examples include beds with pillows and blankets, high quantity of clothing items, or any evidence that person(s) may be living in the establishment.
    - Thai beds/mats are NOT a violation of residential/sleeping quarters.
  
  - ❑ **Meets State & Local Sanitary Health Codes** (16 TAC 117.83)
    - (see appendix for expanded list)
  
  - ❑ **Professional Appearance & Conduct** (455.202(b); 16 TAC 117.82(g))
    - What could constitute "unprofessional conduct" includes:
      - Performing massage nude or partially nude, or in lingerie/clothes designed to arouse or gratify a sexual desire of any individual.
      - Items to look for include condoms, sex toys, lubricant, baby wipes.
-

## Municipal Code Violations

Examples of common municipal code violations include:

### *Commercial Code/Residential Code Violations:*

- Failure to post the appropriate permit;
- No certificate of occupancy or life safety;
- Failure to post the certificate of occupancy;
- No hold-up/burglar alarm system permit;
- Floor not maintained in good repair;
- Ceiling not in good repair;
- Door, window, skylight, or similar enclosure not in good repair;
- Failure to maintain light fixture or vent cover attached to ceiling in good repair;
- Wall not in good repair; and
- Grass Ordinance (e.g., high weeds).

*Many of the provisions related to these violations are from the International Building Code, which is adopted as the uniform code in Texas.[69] These violations can vary from municipality to municipality, but generally the property owner and lease holder—or any person exercising control—can be held liable for violations.*

### *Common Fire Code Violations:*

- Doors are not identified;
- Exit signs are not installed at the required exits from an area or room;
- Exit signs are not installed;
- Exit signs are not illuminated;
- Failure to ensure exit doors of building function;
- Exit is not specified;
- Failure to have a sign which states, "THIS DOOR IS TO REMAIN UNLOCKED DURING BUSINESS HOURS" in one-inch letters on the keyed main entrance;
- Room capacity not posted in a conspicuous place on approved sign near main exit;
- Plans not posted for exiting the building;
- Owner/Occupant/Association fails to ensure exits open from the inside without the use of a key or by any special knowledge or effort;
- Failure to have portable fire extinguisher;
- Failure to maintain portable fire extinguisher ;
- Use of an extension or electrical cord through walls or structures;
- Failure to have approved numbers/address placed on the building;
- Use of an extension cord as a substitute for permanent wiring;
- Failure to maintain an extension cord in a building, without splices, deterioration, or damage;
- Existing electrical is not in good repair; and
- Failure to abate electrical hazards.

### *Common Health Code Violations*

- Owner/lessee/occupant/agent/employee/person of control of the premises permits accumulation of water for mosquitos;
- Accumulation of materials, such as lumber, boxes, or barrels, creating a harborage for rats;
- Failure to conspicuously post at every entrance a sign clearly stating smoking is prohibited;
- Dumpster or refuse container lid is not kept closed;
- Failure to keep premises in such a condition as to prevent the harborage or feeding of insects or rodents;
- Garbage container leaking liquid;
- Dumpster, refuse container, compactor, compactor system, not provided with tight fitting lid;
- Allowing garbage to accumulate, creating a harborage for rats; and
- Overloading a garbage container.

*Inspectors should also be aware of items or activities that might indicate what kind of services are being offered at an establishment.*

Items include:

- Blacked out or covered windows;
- Shower rooms for customer use;
- ATMs;
- Mattresses within the business premises;
- Locked doors during business hours;
- Unusually late business hours;
- Neon or light up signs which are visible at night;
- Large amount of clothes on premises;
- Suitcases; and
- Kitchen area with fully stocked fridge.

Activities include[70]:

- Unusually late business hours;
- Unusually low prices for “massage services”;
- Expectation of high tips;
- Requirements that massage therapists wear makeup and attractive hairstyles at work;
- Requirements that massage therapists bring their own supplies to work;
- Clients entering through a back door or double door system;
- Refusing female clientele;
- Clients parking in a rear parking lot;
- Advertisements on erotic websites;
- Advertisements which suggest frequent rotation of therapists;
- Massage therapists being on call;
- Massage therapists working excessive hours;
- Massage therapists appear to live within the business premises;
- Massage therapists live together at an off-site location;
- Use of security cameras throughout facility, especially in hallways, doorways, and living rooms (internal surveillance); and
- Employee injuries (injuries from physical assault or even branding).

### 3. Interviews

One of the key objectives in conducting an interview is ascertaining what services the business offers. For example, an IMB can be operating in a community as “Scooby-Doo Spa.” It is not obvious from its name alone that Scooby-Doo Spa offers massage therapy or massage services. After further questioning, the two employees present inform you they offer “relaxation services.” Again this alone doesn’t indicate Scooby-Doo Spa is a massage establishment.

You inquire further and learn that “relaxation services” includes aromatherapy and a quick rub-down of the customer’s shoulders, and both of the employees perform these services. Because “Scooby-Doo Spa” employs two people, who perform massage therapy, it is a massage establishment. Thus, the rules and regulations of the Occupations Code and the Administrative Code apply to both the employees and the establishment.

Remember to ask questions to identify human trafficking victims, using your department’s standard protocol. Ask all establishment employees’ IDs, if available. If the employees have identification, this can be compared against any massage therapist license to ensure they both match. However, individuals with licenses from high risk areas (Flushing, etc.) or without any identification are more likely to be trafficked.

## Interviewing Questions & Techniques

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### **Ascertaining whether the business is a massage establishment:**

- Ask questions about the role of each person in the business;
- Ask questions about the specific types of services the massage therapist offers;
- Follow up with specific questions about the details or definition of the service.

### **Ascertaining who is the owner/operator of the establishment:**

- Ask questions about who runs the charge for the service;
- Ask questions about who may handle the money;
- Ask questions about who has keys to the door;
- Ask questions about what the other employees jobs/tasks are at the establishment;
- Ask questions about who employees call when there is a problem at the establishment.

### **Questions to ask Customers:**

- Ask questions about what services;
- Ask questions about cost;
- Ask questions about how they became aware of the business and any advertisements they observed.

### **Questions related to prostitution and sexual conduct:**

- Ask questions about sexual conduct which may occur at the establishment;
- Ask questions why condoms, or sex paraphernalia, is present at the establishment.

*If you have reason to believe there is unprofessional conduct, prostitution occurring, or human trafficking, you will need to ask additional questions. For interviewing best practices, see Engaging With Survivors of Human Trafficking.*



## 4. Concluding the Inspection

### Citations and Charges

Below are some general approaches to conclude the inspection of the IMB:

- If you have the option between issuing citations for state violations or municipal/county violations, you should elect to issue the citation for the state violation.
  - As a peace officer, you have the authority to issue citations for any offense defined in Chapter 455 of the Texas Occupations Code
  - You cannot issue a citation for anything which is a violation of the Texas Administrative Code only. However, record what violations of the Texas Administrative Code that you do find, and return your results/inventory to the TDLR, which has the authority to issue administrative penalties or sanctions. These violations can be used as grounds for TDLR to revoke or suspend a license.
- It is the best practice to adopt a “zero-tolerance” policy for violations of health code, fire code, construction code, and building code. These citations can be issued retroactively.
- Leaving your card at the scene may allow possible victims to reach out at a later date/when they feel safe.
- If you suspect there are victims of human trafficking, call your human trafficking unit, if applicable.
- If anyone on-site during the inspection has no ID or cannot find their ID, it is best to arrest that individual, within your discretion. Although they are likely victims, this will give law enforcement the chance to protect and speak to the individual away from anyone who may be attempting to control them, and it is important that those in harm's way are removed from that danger.

## 5. After the Inspection

A regulatory inspection can be performed in addition to a traditional vice investigation. The inspector does not have to write all applicable tickets at the time the inspection is performed. The main goal of DRT is to eradicate the illicit business operating in the community. In the IMB context, this is done by meeting with the property owner after the regulatory inspection is performed.

At the time of the inspection, issuing a handful of tickets ensures that employees such as the operator will be present in court. The rest of the violations apparent during the investigation can be issued retroactively.

→ Taking pictures during the inspection and throughout the establishment and wearing a body camera helps to preserve evidence of violations.

However, the focus of writing tickets should be on leaseholders, managers, owners, or operators, rather than potential victims of human trafficking.

## Identifying the Property Owner

After the inspection is performed, you will need to obtain a copy of the lease from the property owner. If any arrests are made for certain offenses on the premises of the IMB, notice of the arrest will also have to be sent to each person maintaining the property.

To identify who owns a building, search public property records, through the applicable county appraisal district. You can identify your appropriate county appraisal district through the Texas Comptroller's Office. At trial, district, county, or city attorneys must present evidence demonstrating that the defendant is the owner or operator of the massage parlor as an element of some offenses.

Other documents which you can use to identify or demonstrate the owner or operator of an illicit massage establishment includes:

- Utility Bills
- LLC or Incorporation Documents
- License with the TDLR
- ATM Bank Account
- ATM Service Provider Contracts
- Bank Statements
- Tax Documents
- Employment Documents
- Bank Merchant Service Applications
- Contractor Receipts
- Supply Contracts or Receipts
- Property Lease
- Property Lease Applications
- Mail
- Wire Transfers

You can also ask neighboring businesses (e.g., businesses in the same strip center) who owns or manages the property. Inspectors can obtain a copy of the lease from the property manager. Record what the property management company says when notified or confronted about the establishment's activities for possible use in a nuisance suit by the City or County Attorney.

## Notice of Arrest for Certain Activities

If any law enforcement agency makes any arrests on the premises of the IMB for:

- Prostitution
- Promotion of prostitution
- Aggravated promotion of prostitution
- Compelling prostitution
- Providing massage therapy or massage services in violation of Chapter 455

Written notice of the arrest(s) must be sent by the law enforcement agency to each person maintaining the property where the arrest occurred, no later than 7 days after the arrest, by certified mail return receipt requested.[71]

## Meeting with the Property Owner

Upon conclusion of the inspection, you will need to meet with the property owner to see what action he or she intends to take with the lessee. Present the citations and tickets which could be issued to the owner/operator.

For the more active property owner, the tickets and citations issued can be just cause for eviction of the tenants, and officers should follow up to ensure that the business is no longer there. With a more reticent property owner, an eventual nuisance and abatement/DTPA suit may be a more successful course of action. Any citations or tickets which are issued can be introduced by the county, district, or city attorney as evidence in a nuisance and abatement suit.

Once you receive a copy of the lease, check for accuracy and confirm the ID of the lease holder. The lease application or even payment confirmation could yield information such as the IMB owner/operator's name and driver's license information. If necessary and reliable, the lease holder can also become a witness. If the ID of the lease holder is not the owner/operator of the establishment, this could also be grounds for the property owner to evict the tenants, because the lease is invalid.



## ADOPTING A PRAGMATIC APPROACH

### Problem Oriented Policing

Problem oriented policing was first introduced by Herman Goldstein. Following an era of increased professionalism for policing, Goldstein believed that police had become particularly susceptible to a “means over ends” approach where the organization of the police department was prioritized over the primary purpose for why police departments were originally created. In order to improve policing, and realize a better return on investment on their efforts, police had to concern themselves more directly with the end product of their efforts.[72]

### The SARA Model

A number of problem-solving processes or methodologies can be used to address problems facing police, but the best known model associated with problem-oriented policing is the “SARA” model.[73] SARA is an acronym which stands for, “scanning, analysis, response, and assessment.”



Generally speaking, the scanning phase involves identifying recurring problems of concern to the police and the public, and selecting which problems require further examination.[74] The analysis phase involves understanding and identifying what conditions and events precede the “problem”.[75] During the analysis stage, a working hypothesis for why a problem is occurring should also be generated.[76] The response stage involves brainstorming possible responses and interventions to address the problem, followed by carrying out the planned activities and responses. Finally, during the assessment phase of the SARA model, it should be determined whether the plan was properly implemented and whether the broad goals and specific objectives were obtained.[77]

## Scanning

Scanning is the stage where police identify and prioritize potential problems. Within this stage of the process, it is important to understand how the problem of trafficking and IMBs affects your community specifically. This is especially critical to understanding what cultural issues potential victims within your community face. By carefully analyzing your local problem, law enforcement is empowered to craft a more effective response strategy. The goals of the scanning stage include:

- Confirming that problems exist;
- Identifying recurring problems of concern to the public and the police;
- Prioritizing problems;
- Developing broad goals; and,
- Selecting one problem for examination.[78]

Law enforcement will encounter problems related to the clandestine nature of trafficking and exploitation.[79] Trafficking is made possible because victims of trafficking are isolated and separated from the local community.[80] Victims are normally hidden from public view, but the isolation maintained by the trafficker(s) must be broken to provide service to the customers.[81] Victims’ presence/existence is known within the community,[82] however, *the public may not recognize nor understand that victims, possibly labeled as prostitutes, are also trafficked.*[83]

## Identifying IMBS

**Reactive Investigations:** When investigating complaints, officers should vet the information thoroughly. Investigations can include research on names, addresses, phone numbers, and social media.[84] Previous complaints or criminal activity associated with the location should also be part of the investigation. Additionally, both U.S. and foreign social media, including Facebook, Instagram, Twitter, WeChat, and KakaoTalk.[85]

**Proactive Investigations:** In the context of a traditional vice investigation, law enforcement may use reverse sting operations (anti-demand tactics), surveillance, or other police techniques to determine whether a massage establishment is engaged in illegal activity. [86] Officers can post fake advertisements online or pose as a pimp trying to open a massage parlor and nightclub who is searching for girls. Police may also subpoena related records, including advertising records, IP addresses, credit card information, and contact information from online advertising providers, if there is reason to believe to believe the massage establishment is operating as an illicit front.[87]

## HPD'S PROBLEM ORIENTED APPROACH: SCANNING[88]

In 2014 the City of Houston and the Houston Police Department determined an anti-trafficking unit had become necessary. The HPD's Vice Department was expanded to accommodate the human trafficking unit, including 50 individuals and 2 crime analysts. HPD's Vice Department mandate concerning massage establishments included:

- Identifying locations which belong under the purview of the State Occupations Code, Texas Administrative Code, and municipal ordinances concerning massage establishments.
- Conducting regulatory inspections of the location and taking action on observed violations of laws.
- Conducting undercover investigations to identify and arrest individuals working at the locations who are engaging in criminal activity—prostitution, human trafficking, etc.

The Vice Department identified businesses where there were multiple and repeat arrests for sex-trafficking related offenses—many of which were at IMBs. In response to the scanning performed by HPD, a program was introduced to strategically target nuisance businesses (including IMBs) along with the landlords who were providing safe harbors for those profiting from the trafficking of persons. The overall end goal of the program was to shut down the illicit businesses while preventing property owners from leasing to businesses in the future.

## Analysis

The goals of the analysis stage are to:

- Try to identify and understand the events and conditions which precede and accompany the problem;
- Determine how frequently the problem occurs and how long it has been taking place;
- Identify the conditions which give rise to the problem;
- Narrow the scope of the problem as specifically as possible; and
- Identify a variety of resources for developing a deeper understanding of the problem.[89]

According to the International Labor Organization, human trafficking globally earns profits upwards of 150 billion dollars a year—99 billion of which comes from sex trafficking.[90] In comparison to drug trafficking, prostitution-related crimes have traditionally been less risky for the trafficker.[91] Trafficked men and women are also considered a “renewable resource” which could be sold multiple times as often as the demand is required.[92]

## HPD'S PROBLEM ORIENTED APPROACH: ANALYSIS[93]

During its analysis stage HPD analyzed prostitution arrests from 2014-2015 and learned that:

- Prostitution arrests were made were at 48 strip clubs and 36 massage businesses. Strip clubs were subject to multiple raids/visits from HPD Vice, while IMBs would rarely receive repeat visits.
- HPD also noted that strip club operations sometimes resulted in no arrests while conversely almost all IMB operations ended in an arrest for prostitution.

HPD concluded that **IMBs were being under-investigated and required additional attention**. HPD also noticed it was common for new IMBs to appear “overnight” and tended to pop back up quickly. HPD concluded this was due to a lack of follow up against any specific location. Based on spatial analysis, IMBs appeared to be concentrated along major thoroughfares and in affluent areas.

Based on a review of IMB advertisements, many locations were open 24 hours a day, seven days a week, which violated state regulations. Finally, HPD noted that the public seemed to lack awareness and display a certain amount of apathy towards the issues of prostitution and sex trafficking.

## ASKING THE RIGHT QUESTIONS[94]

While law enforcement analyzes the problem of prostitution/trafficking/IMBs ,consider utilizing these questions to help understand your local problem related to IMBs and trafficked women:

### Police and Community Awareness

- Are police aware of the problem of trafficked women?
- Is the community at large aware of trafficking?
- Is there an active sex trade in your jurisdiction?
  - If so, what forms does it take? Street prostitution? Escort services? Brothels, massage parlors, strip clubs, late night bars?
  - Are foreign women encountered in brothel raids? Does vice encounter foreign women during their operations and investigations?
- Are there community organizations that specialize in caring for immigrants or those that speak other languages?
- Are there known smuggling operations, routes or entry points in or close to your locality?
- If there is a red light district? What are business and community attitudes toward it?

### Marketing

- Do advertisements in local newspapers and magazines offer menial jobs at unrealistically high wages? Are there notices or advertisements in local Chinese/Vietnamese/Korean media?
- Are there local websites or chat rooms that deal with sexual services?
- Do escort services advertise in the yellow pages? On the Internet? In other media? Does your agency monitor them?
- Does the sports page of the local newspaper advertise massage parlors?

### Venues

- Are there massage parlors in your area? If so, are they licensed or supervised by local health authorities?
- Do massage parlors and brothels constantly move to different locations? What kinds of buildings or housing do they occupy?
- Are there travel agencies that promote matchmaking or sexual tourism?
- Are there locations where bars or sexually oriented businesses cater to a particular immigrant or ethnic community?
- Are there locations where legal businesses (massage parlors, nail salons) may be fronts for sex trafficking?
- Is tourism a major business in your jurisdiction?

### Incidents, Offenders, & Victims

- Are there reports of local sex workers (potential victims) who are unable to speak English?
- Do hospitals report battered women who may be illegal immigrants?
- Are there local or ethnic healthcare providers who are "off-line" from the normal healthcare system?
- Are there frequent robberies surrounding possible IMB/trafficking venues?

### Current Responses to the Exploitation of Trafficked Women

- What is your departmental policy for dealing with prostitution?
  - What is the prosecutor's policy regarding prostitution-related offenses?
  - What effect, if any, does the imposition of a sentence have on subsequent involvement in prostitution?
- What responses do police officers use, other than arrest and prosecution?
- What is your departmental policy on reporting illegal immigrants to immigration and customs officials?
- Are specific officers allocated to identify trafficked women?
- Do you have sufficient access to interpreters and cultural advisors?
- Is there a special vice squad? What are its duties?
- Have your victim service specialists been trained about human trafficking?
- What foreign language capabilities does your unit have?
  - Are there local universities, military personnel, or immigrant advocacy groups that could assist you with translation needs?

## Response

The goal of the response stage is to:

- Search for what other communities with similar problems have done;
- Brainstorm interventions and choose among the other alternative solutions;
- Outline a response plan;
- Identify responsible parties;
- State the specific goals;
- Identify relevant data to be collected; and
- Carry out the planned activities.[95]

### *Understanding the Link between Prostitution and Trafficking*

Society has historically punished those who sell sex, labeling them as prostitutes; however, victims of human trafficking do not choose to perform sex work.

Pimps/traffickers, along with sex buyers, use shame to further control these women and keep them from seeking help from the community or law enforcement. Therefore, those who may be considered “prostitutes,” and **therefore offenders, are in fact victims.**[96,97]

If your department has determined human trafficking is a problem within your community, maintaining the rationale that prostitutes are both offenders and victims will leave excuses for inaction and/or inconsistent and ineffective enforcement efforts. If vice investigations are utilized by law enforcement, officers should be trained on how to identify, interact, and engage with victims of trafficking, in advance of any raids or crackdowns. Moreover, departments should implement clear and unambiguous policies related to prostitutes and sex trafficking.

### *Possible Responses to Implement [98]*

Possible responses to prostitution and sex trafficking can take a variety of forms. An effective strategy will usually involve several responses, because law enforcement alone is seldom effective in reducing or solving the problem. [99]

**Enforcing zoning laws, municipal ordinances, licensing regulations, and using nuisance abatement suits** against people and properties which are used for prostitution. These responses are successful because they restrict the availability and attractiveness of locations for which sexual activities occur. Markets for prostitution depend on businesses to support them. Law enforcement should take into consideration that the civil law process related to nuisance abatement can be complex and will require support and advice from government lawyers.

**Warning property owners about using their premises for prostitution.** Depending on the attitude of property owners involved, warnings can increase their willingness to actively prevent prostitution on their property. This is most likely to be successful subsequent to a regulatory inspection where prostitution and/or forced labor has taken place on the property. However, if law enforcement is dealing with a non-compliant property owner, it may become necessary to take civil action (nuisance abatement/DTPA) against the property owner.

**Establishing a highly visible police presence.** A visible police presence can discourage both clients and prostitutes from partaking in transactions. However, this can be both labor and cost intensive, and may not be appropriate for departments subject to resource constraint and concerns surround manpower. Additionally, this response can create the public perception that a particular area is unsafe.





### HPD STING[102]

HPD used a former IMB, known as the “7 Star Spa” as the site for a 10 day sting. 7 Star Spa had a long history of prostitution busts prior to its closing in 2016. Utilizing this spa’s notorious reputation, HPD vice “reopened” the former IMB as “8 Star Spa.” 139 men, including a Houston police officer were arrested for prostitution during the course of the sting.

Houston police chief, Art Acevedo, said in a press release, “These women are not engaging in prostitution because they want to, they’re doing it because they’re being coerced ... These women are often...forced to have upwards of 15 to 30 sex buyers a day.”[103]

### *Using Financial Records to Determine Ownership and Increase Penalties.*

Investigators should request subpoenas for the financial records of illicit massage businesses, including bank and ATM accounts. Many IMBs are cash only businesses, and buyers can use cash to avoid generating a record of the purchase on their credit card statement. IMB owners often purchase or lease private ATMs to install in the premises,[100] and these private ATMs may then be stuffed with cash made through illicit activity, in violation of money laundering and other criminal statutes. Investigators should use physical evidence and interviews to show probable cause and obtain a subpoena for financial records. Anything that would demonstrate control over the ATM, such as a key to the cash reservoir, would be helpful in obtaining a subpoena. Law enforcement should interview employees and witnesses to establish whether someone involved with the business has control over the ATM—for example if an employee empties the ATM of cash.

Because it is not clear how the replenishment cash is generated, electronic records of withdrawals should trigger Suspicious Activity Reports.(SARs) Law enforcement can request SARs related to a suspected activity within a specified area.This financial intelligence could be used by law enforcement to target their enforcement efforts and determine ownership of the IMB.[101]

According to HPD, the operation cost the department about \$20,000 in overtime costs and personnel. However, there was no rent, electricity or other expenses because the landlord had donated those overhead costs, in an effort to cooperate in assisting cleanup the area. Celina Vinson, Harris County Attorney, said, “We had a cooperative landlord in this case ... If you are not cooperating we are going to let a district judge know that you are running or allowing an illegal business to operate that potentially harbors trafficking victims.”[104]

### *Houston's Problem Oriented Approach—Response[105]*

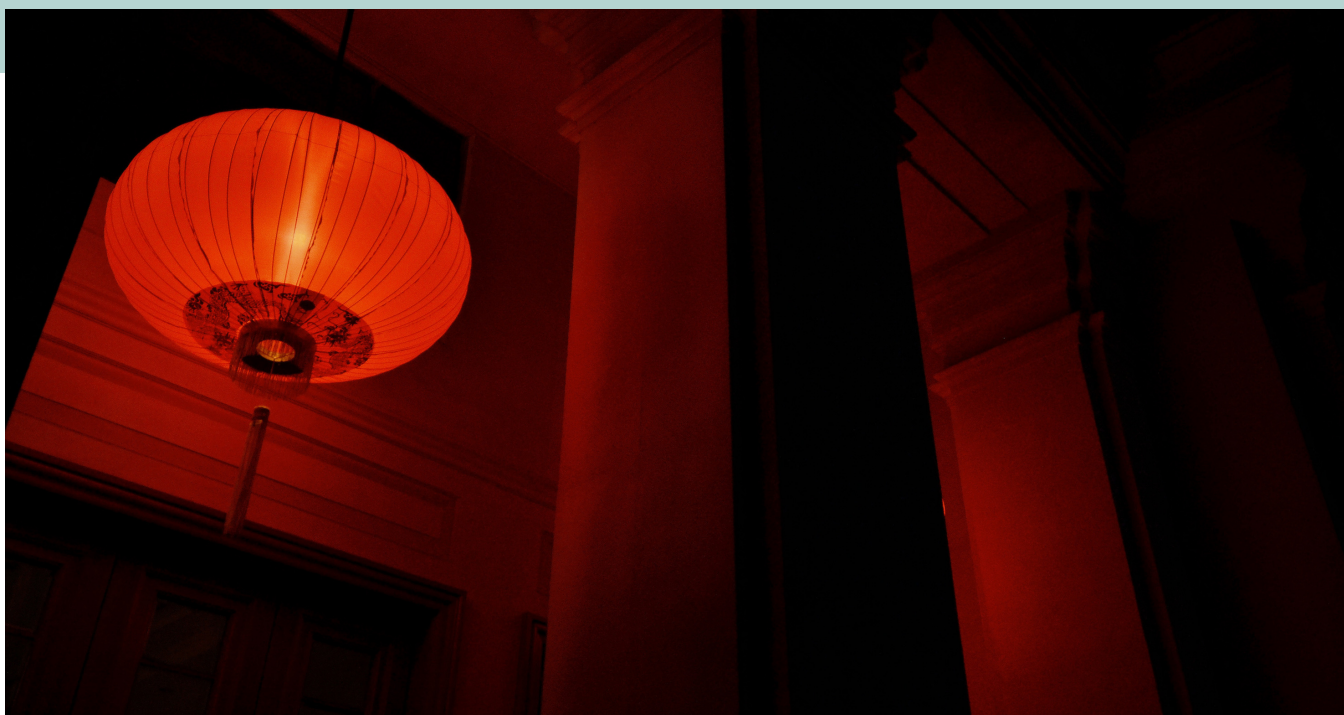
HPD's goals were increasing the effectiveness of HPD Vice and utilizing existing regulations which applied to licit and illicit massage establishments. They planned to measure success by tracking:

- The number of possible IMBs identified;
- The number of regulatory and criminal investigations conducted;
- Arrests made and possible nuisance businesses which were submitted to government attorneys for civil action; and
- Nuisance businesses which were shut down through police action.

Based on prior analysis conducted by HPD, it was their belief that traffickers would be more sensitive to deterrents. The current enforcement methods allowed traffickers to reap high profits with very little risk, and in response to these shortcomings, HPD placed an emphasis on catching and punishing buyers and those making the profits.

Regulatory actions and citations were used heavily. HPD would first notify the State that an IMB operating without the proper licensing. The State Board of Health would then send cease and desist letters to these establishments (the now responsible regulatory agency, Texas Department of Licensing and Regulation, would be responsible for sending the letters). The cease and desist letters, failed inspections, and relevant criminal charges, combined, would demonstrate that the businesses met the statutory requirements of a nuisance. The city or county attorneys could then use the results of the investigation to file a nuisance abatement suit.

For best practices for regulatory inspections, see "Inspection Methods." In addition to regulatory actions, HPD worked with the Mayor's office to increase public awareness surrounding illegal advertisements and distribution of the trafficking hotline number.



## Assessment

The goals of the assessment stage is to:

- Determine whether the plan was implemented;
- Determine whether the goals were attained and collect pre- and post-response qualitative and quantitative data;
- Identify any new strategies needed to augment the original plan;
- Conduct ongoing assessments to ensure the continued effectiveness.[106]

### DATA TO BE COLLECTED

Measuring the extent of the problem prior to implementing a chosen response gives a baseline to measure the effectiveness of the responses implemented. Measures should be taken both in target areas, and the surrounding areas.

The following measures can be potentially useful in measuring the effectiveness of responses implemented to address sex trafficking in IMBs[107]:

- Identifying the number of possible IMBs in your target area;
- Counting the number of Advertisements for IMBs;
- Counting the number of regulatory and criminal investigations the department conducts;
- Tracking reported crime in target areas, as compared to control areas; and
- Tracking nuisance businesses which were shut down through police action.

### *HPD's Problem Oriented Approach—Assessment [108]*

In 2015, HPD Vice used a tracking database to track all possible nuisance businesses, including IMBs. Initially, HPD compiled a list of 73 IMBs, but by the end of 2016, the database included 260 locations identified through further investigations, including internet and advertising research. This represented a 280% increase of IMBs tracked during the first year of the program.

During 2016, 111 IMB locations were subject to regulatory inspections performed by uniformed police officers. An additional 60 IMB locations were visited in an undercover capacity (compared to 39 locations in 2015, and 11 locations in 2014). Of the possible 260 locations, 171 (65.79%) were visited by a police officer in a single year.

127 possible IMB locations were submitted to County and City legal for consideration as a nuisance abatement action. 16 actions were filed against these locations and 13 locations were later reported as shut down. From 2009-2015, records provided by the attorney's offices showed only 5 actions had been filed against IMBs.

Regulatory officers also tracked their own data independently from HPD Vice. The number of shutdown businesses increased from 147 to 200 during 2016. The number of known open businesses increased from 240 to 289, then decreased to 260 at the end of the year.[109] While these numbers indicate there is some displacement occurring, they also suggest there were full closures.

# ENGAGING WITH SURVIVORS OF HUMAN TRAFFICKING



Because of language and cultural barriers, it can often be difficult to manage victims of IMB crime. Use these best practices when working with victim witnesses to improve chances of a successful outcome.

## Creating a Department Protocol for Human Trafficking Victims

**Create** a specific local protocol to identify and respond to local human trafficking victims – before you actually have to do it. The protocol should include a simple set of questions that help identify victims of trafficking wherever they may be. Questions should address access to immigration documents (like passports and papers), freedom of movement, whether victims live and work at the same location, and whether they owe debt. Responses to trafficking should include names and phone numbers for local government or non-profit victim services and emergency housing.

**Distribute** the protocol to local law enforcement, inspectors, medical centers, and other places where employees might come into contact with trafficking victims.

**Educate** law enforcement and other community actors about how to use the protocol and recognize trafficking victims. Information should include background on different cultures.

## Interviewing & Identifying Victims of Trafficking

When interviewing victims, use the services of an independent translator who has no relationship to the victim or the traffickers. Do not allow a “friend” of the victim to translate, as they could exercise some power over the victim.

**Never begin an interview by discussing documentation or legal status.** Most victims of illicit massage businesses are very afraid of immigration officials. It is difficult to interview possible victims to determine their immigration status because of a deep-seated fear and distrust that victims may have of both law enforcement and other government officials.

Many women are coached and trained by their traffickers in what to say to police. Possible signs of trafficking include:

- Workers who appear frightened to speak to police or other officials, including healthcare and social workers;
- Workers with signs of physical abuse;
- Workers who appear fearful, anxious, tense, submissive, or nervous;
- Sex workers who are unable to speak English;
- Women who are unwilling or unable to explain how they came into the United States or what they did before gaining entry into the United States;
- Women who are closely supervised when taken to the doctor or hospital;
- Women who are denied clothing other than those provided by the massage establishment, or other business front for prostitution/trafficking;
- Prostitutes whose legal representation is supplied by their trafficker, often as a means of controlling their testimony;
- Women who appear fearful of collaboration between traffickers and police;
- Women who show signs of emotional anxiety or dependence on their trafficker;
- Women who paid a fee to obtain travel documents or make travel arrangements;
- Women who have a lack of apparent freedom of movement; and
- Women who are noticeably watched or followed by others.

## Possible questions to ask related to human trafficking:

*Ensure that the person interviewing the victim has training in interviewing human trafficking victims. Seek assistance from federal law enforcement or specialized non-profit organizations.*

- Are you here against your will?
- Can you leave or quit? How can you leave or quit?
- How did you get this job?
- Do you owe anyone money? Who do you owe money to? How much money do you owe?
- Do you want to leave?

## Messaging for Communicating with Victims of Trafficking

Many victims of trafficking are extremely afraid and hesitant to communicate with law enforcement, out of fear of retaliation for cooperating with law enforcement and/or fearing for their own lives, or the lives of their families. It is very important that you do not promise victims anything that you cannot deliver, because it is extremely important to build trust with survivors of human trafficking. Listed below is some strategic word choice, messaging, and usage to help establish trust between law enforcement and the victim, taken directly from Houston Rescue and Restore Coalition Resource on Communicating with Victims :[110]

- *You are safe now.*
- *Under the Trafficking Victims Protection Act of 2000, victims of trafficking can apply for special visas or could receive other forms of immigration relief.*
- *You are a victim, not a criminal.*
- *We can help protect your family.*
- *We want to make sure what happened to you doesn't happen to anyone else.*
- *You have rights.*
- *If you are a victim of trafficking, you can receive help to rebuild your life safely in this county.*

## Screening Tools

Law enforcement officers and state agency inspectors should understand that many victims do not self-identify as trafficking victims. Their rescue will depend on officer awareness and strong screening tools that allow law enforcement to identify victims as such. Immigration and Customs Enforcement (ICE) utilizes a risk assessment tool that contains questions which officers use to recognize possible trafficking victims.

## Protecting Trafficked Women

In relation to trafficking, victim management is critical to the welfare of the victim, but also to establishing relationships with trafficked women and various community groups. Below are several courses of action law enforcement could take to help victims of trafficking:

- Report the case by calling Polaris' National Hotline: 1 (888) 373-7888 or report the case online at <https://humantraffickinghotline.org/>
- Contact a local community group which specializes in protecting victims of abuse, such as a women's shelter or group which has help in caring for immigrants and victims of gender-based violence. Groups which also aid victims of domestic violence may also be helpful as well
  - If you are unsure of groups which could be of assistance the Office for Victims of Crime (OVC) can help you to identify these groups (<https://www.ovc.gov/contacts.html>)
- Arrange for medical assistance when appropriate
- Obtain brochures and cards which inform the victim of their rights under the TVPA

## Do's and Don'ts for Engagement (extracted from the Trafficking in Persons Report, 2017):

### DO:

- Promote survivor empowerment & self sufficiency.
  - Traffickers have often engrained a sense of helplessness in their victims, telling victims that they could not survive without them and that they are only good for selling their bodies.
  - Victims should have access to the vocational and financial training that will allow them to lead a successful independent life outside of the commercial sex trade.
- Use a victim-centered & trauma-informed approach
  - Victims of human trafficking have almost always endured trauma, often even before their victimization. Service providers and law enforcement must seek to avoid re-traumatization.
  - Training law enforcement and direct service providers on the effects of trauma on an individual will make it easier for victims and LE/providers to work together.
  - (See checklist in Appendix for Trauma-Informed Approach to Interactions, taken from the U.S. Department of State's Trafficking in Persons Report (2017))
- Hire & Compensate
  - Utilize survivors' experience to improve anti-trafficking efforts. Agencies and organizations, while well-meaning, could be suffering from a gap in knowledge or a blind spot. Survivors supply agencies and organizations with a unique and important perspective .
  - Compensate survivors for their expertise. Their input is invaluable and should be treated as such.
- Protect confidentiality
  - Survivor identification and privacy must be guarded vehemently.

*Continued on next page.*

DON'T:

- Require Participation.
  - Survivors should feel empowered and autonomous.
  - Requiring participation in a program denies survivors the power to make their own decisions.
  
- Over-promise
  - Building trust with survivors is one of the most integral steps that law enforcement and direct service providers can take.
  - Survivors are often wary and distrustful, and they may be expecting betrayal or disappointment.
  - Do not make promises or commitments that you are not confident that you can keep.
  - It is especially unethical to promise services to ensure a survivor's cooperation.
  
- Re-traumatize
  - Do not insist that a survivor tell his or her story.
  - If a survivor has confided in you, do not break that trust by sharing their story with someone else.
  
- Sensationalize the individual's experience
- Photograph or publish victim's information without consent

## APPENDIX

### Initial Consultation Document (16 TAC 117.91)

A massage establishment must properly maintain and secure for each client the initial consultation documents, session notes, and related billing records, which include:

- Type of massage therapy or techniques;
- Parts of the client to be massaged or the areas of the client's body to be avoided during the session;
- A statement that the licensee shall not engage in breast massage without the written consent of the client;
- A statement that draping will be used during the session, unless otherwise agreed to in writing by both the client and the licensee;
- A statement that if uncomfortable for any reason, the client may cease the massage session; and
- Signature of both the client and the licensee.

## MASSAGE ESTABLISHMENT SANITATION CHECKLIST

- Is the facility clean, sanitary, and in good repair?**
  - Is there any insect or rodent droppings?
  - Is there evidence of mold?
  - Are there missing tiles in ceiling?
- Is the massage establishment and all fixed equipment cleaned on a routine basis?**
  - The ME and equipment must be cleaned on a routine basis and must be kept in good working order
  - This could include equipment such as massage tables, massage chairs, towel/hot stone warmer, buckets for foot massage, etc.
- Are bathrooms clean, sanitary, and working?**
  - Restrooms cannot be used as a storage area?
- Hand Washing Facilities**
  - Hand washing facilities must be located near/adjacent to toilet rooms
  - There must be hot and cold running water, soap must be provided
  - There must have paper towels or air dryer (there cannot be a community towel)
- Is trash emptied daily?
  - receptacles must be kept clean
- Are disposable sheets/cradles disposed of immediately after use?
- Are clean sheets used on each client?
  - Sheets cannot be layered on tables



- Are soiled sheets and towels discarded in partially closed receptacle and not used again until laundered?  
→ There should be a flap or lid covering the laundry bin.
- Are Used towels laundered in chlorinated hot water?
- Are oils kept in closed containers?  
→ Lid should be kept on lotion, oils, Vaseline, etc.

## **CHECKLIST FOR A TRAUMA-INFORMED APPROACH TO INTERACTIONS WITH SURVIVORS OF HUMAN TRAFFICKING [111]**

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- Be aware if the individual appears shut down or disconnected; this may be a sign that the person is overwhelmed.
- Have materials available that may support regulation of affect and impulses during meetings, conversation, or testimony.
- Check in to make sure the survivor is hearing and understanding your statements or questions and provide frequent breaks.
- Be aware that changes in memory do not necessarily indicate falsehood or storytelling, but may be indicative of a trauma response.
- Try to hold interviews or other key conversations at a time when the survivor feels most stable and safe
- Help break down tasks concretely; assume that even small tasks may feel overwhelming.
- Support the survivor in accessing help with task completion.
- Focus on the facts of experiences, rather than getting caught up in the individual's emotional response or perception of events in making determinations about criminality.
- Be aware of the often confusing nature of the individual's relationships with the perpetrators; be conscious of not making assumptions.
- Don't take strong reactions personally; be very aware of managing your own emotional responses.
- Provide opportunities for control and empowerment whenever possible.
- Be aware of the importance of physical as well as emotional supports.

## Criminal Offenses & Penalties

### *Related offenses defined in the Texas Penal Code*

Texas Penal Code		
Offense	Punishment	Notes
<p><b>Prostitution</b></p> <p>The person knowingly</p> <ul style="list-style-type: none"> <li>● (A) offers or agrees to receive a fee from another to engage in sexual conduct</li> <li>● (B) offers or agrees to pay a fee to another person for the purpose of engaging in sexual conduct with that person, or another<sup>113</sup></li> </ul>	<ul style="list-style-type: none"> <li>● Class B misdemeanor.<sup>114</sup></li> <li>● Class A, if 1-2 prior convictions.<sup>115</sup></li> <li>● State Jail felony if 3 or more convictions.<sup>116</sup></li> </ul>	<p><i>It is a defense to prosecution for an offense under subsection (A) that the actor engaged in the conduct because the actor was a victim of conduct that constitutes an offense under § 20A.02 (Trafficking of Persons) or § 43.05 (Compelling Prostitution).<sup>117</sup></i></p>
<p><b>Promotion of Prostitution</b></p> <p>A person, acting other than a prostitute receiving compensation for personally rendered services, knowingly</p> <ul style="list-style-type: none"> <li>● (1) Receives money or other property pursuant to an agreement to participate in the proceeds of prostitution, or</li> <li>● (2) solicits another to engage in sexual conduct with another person for compensation<sup>118</sup></li> </ul>	<ul style="list-style-type: none"> <li>● State jail felony.<sup>119</sup></li> <li>● 3d degree felony if prior conviction.<sup>120</sup></li> </ul>	
<p><b>Aggravated Promotion of Prostitution</b></p> <p>A person knowingly owns, invests in, finances, controls, supervises, or manages a prostitution enterprise that uses two more prostitutes.<sup>121</sup></p>	<ul style="list-style-type: none"> <li>● 2d degree felony.<sup>122</sup></li> </ul>	

<p><b>Compelling Prostitution</b> A person knowingly causes another by force, threat, or fraud to commit prostitution<sup>123</sup></p>	<ul style="list-style-type: none"> <li>• 2d degree felony.<sup>124</sup></li> </ul>	<p><i>If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section, or both sections.</i><sup>125</sup></p>
<p><b>Trafficking of Persons</b> Any person who knowingly</p> <ul style="list-style-type: none"> <li>• (1) Traffics another person with the intent that the trafficked person engages in forced labor or services;</li> <li>• (2) Receives a benefit from participating in a venture that involves an activity described in (1), including by receiving labor or services the person knows are forced;</li> <li>• (3) Traffics another person and, through force, fraud, or <u>coercion</u>, causes the trafficked person to engage in conduct prohibited by (A) § 43.02 (Prostitution); (B) § 43.03 (Promotion of Prostitution); (C) § 43.04 (Aggravated Promotion of Prostitution); (D) § 43.05 (Compelling Prostitution), or;</li> <li>• (4) Receives a benefit from participating in a venture that involves an activity described in (3) or engages in sexual conduct with a person</li> </ul>	<ul style="list-style-type: none"> <li>• 2d degree felony.<sup>127</sup></li> <li>• 1st degree felony if the commission of the offense results in the death of the victim of trafficking, or the death of an unborn child of the victim of trafficking.<sup>128</sup></li> </ul>	<p><i>If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section, or both sections.</i><sup>129</sup></p>

<p>trafficked in a manner described in (3).<sup>126</sup></p>		
<p><b>Continuous Trafficking of Persons</b> A person commits an offense if during a period of time 30 days or more engages in conduct prohibited by § 20.02A two or more times, against one or more victims.<sup>130</sup></p>	<ul style="list-style-type: none"> <li>• 1st degree felony, with minimum imprisonment of 25 years, maximum 99 years.<sup>131</sup></li> </ul>	
<p><b>Unlawful Restraint</b> A person commits an offense if he intentionally or knowingly restrains another person.<sup>132</sup></p>	<ul style="list-style-type: none"> <li>• Class A Misdemeanor.<sup>133</sup></li> <li>• 3d degree felony if the actor recklessly exposes the victim to a substantial risk of serious bodily injury.<sup>134</sup></li> </ul>	
<p><b>Smuggling of Persons</b> A person, with the intent to obtain a pecuniary benefit, knowingly</p> <ul style="list-style-type: none"> <li>• (1) uses a motor vehicle, aircraft, watercraft, or other means of conveyance to transport an individual with the intent to (a) conceal the individual from a peace officer or investigator; or (b) flee the person the actor knows is a peace officer or special investigator attempting to lawfully arrest or detain the actor; or</li> <li>• (2) encourages or induces a person to enter or remain in this country in violation of federal law by concealing, harboring, or shielding that person from detection.<sup>135</sup></li> </ul>	<ul style="list-style-type: none"> <li>• 3d degree felony.<sup>136</sup></li> <li>• 2d degree if the actor commits the offense in a manner that creates a substantial likelihood that the smuggled individual will suffer serious bodily injury or death.<sup>137</sup></li> <li>• 1st degree felony, if at trial it is shown that as a direct result of the commission of the offense the smuggled individual was a victim of sexual assault (§ 22.011 TPC) or aggravated sexual assault (§ 22.021 TPC), or the smuggled individual suffered serious bodily injury or death.<sup>138</sup></li> </ul>	<p><i>If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section, or both sections.</i><sup>139</sup></p>

<p><b>Continuous Smuggling of Persons</b></p> <p>A person commits an offense if during a period of 10 or more days in duration the person engages in conduct that constitutes “smuggling of persons” (§ 20.05).<sup>140</sup></p>	<ul style="list-style-type: none"> <li>• 2d degree felony.<sup>141</sup></li> <li>• 1st degree felony if the offense is conducted in a manner that creates a substantial likelihood that the smuggled individual will suffer serious bodily injury or death, or victim became a victim of sexual assault or aggravated sexual assault with a minimum of 25 years imprisonment.<sup>142</sup></li> </ul>	
<p><b>Sexual Coercion</b></p> <p>A person intentionally threatens, including by coercion or extortion, to commit an offense under: Chapter 43 (including any prostitution offense), Section 20A.02 (a)(3) (Sex Trafficking), Section 20A.02 (a)(4) (receives a benefit from participating in a venture involving activity described 20A.03(a)(3) ... <a href="#">Section 21.15</a> (Invasive Visual Recording), <a href="#">Section 21.16</a> (Unlawful disclosure of Promotion of Intimate Visual Material), to obtain, in return for not committing the threatened offense, or in connection with the threatened offense, any of the following benefits: (1) intimate visual material, (2) an act involving sexual conduct causing arousal or gratification, (3) a monetary benefit or other benefit of value.<sup>143</sup></p> <p>A person Intentionally threatens, including by coercion or extortion, to commit an offense</p>	<ul style="list-style-type: none"> <li>• State Jail Felony.<sup>145</sup></li> <li>• 3d degree Felony if it is shown at trial that the defendant has been previously convicted under this section. <sup>146</sup></li> </ul>	<p><i>This section applies to a threat regardless of how that threat is communicated, including a threat transmitted through e-mail or an internet website, social media account, or chat room and a threat made by other electronic or technological means. <sup>147</sup></i></p>

<p>under Chapter 19 (Criminal Homicide) or Section 20A(a)(1) (labor trafficking), 20A(a)(2) (receiving a benefit from participating in a venture which involves labor trafficking) ... to obtain in return for not committing the threatened offense or in connection with the threatened offense, either or the following benefits: (1) intimate visual material; or (2) an act involving sexual conduct causing arousal or gratification. <sup>144</sup></p>		
<p><b>Money Laundering</b> A person knowingly</p> <ul style="list-style-type: none"> <li>● (1) acquires or maintains in interest in, conceals, possesses, transfers, or transports the proceeds of criminal activity;</li> <li>● (2) conducts, supervises, or facilitates a transaction involving the proceeds of criminal activity</li> <li>● (3) invests, expends, or receives, or offers to invest, expend or receive, the proceeds of criminal activity; or</li> <li>● (4) finances or invests or intends to finance or invest funds that the person believes are intended to further the commission of criminal activity<sup>148</sup></li> </ul>	<ul style="list-style-type: none"> <li>● State jail felony if the value of the funds is more than \$2,500 but less than \$30,000.<sup>149</sup></li> <li>● 3d degree felony if the value of the funds is \$30,000 or more but less than \$150,000.<sup>150</sup></li> <li>● 2d degree felony if the value of the funds is \$150,000 or more but less than \$300,000.<sup>151</sup></li> <li>● 1st degree felony if the value of the funds is \$300,000 or more.<sup>152</sup></li> </ul>	<p><i>Knowledge of the specific nature of the criminal activity giving rise to the proceeds is not required to establish a culpable mental state under this subchapter.<sup>153</sup></i></p> <p><i>If the proceeds of criminal activity are related to one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered one offense and the value of the proceeds can be aggregated in determining the classification of the offense.<sup>154</sup></i></p>

<p><b>Organized Criminal Activity</b></p> <p>(a) A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination, or as a member of a criminal street gang, the person commits or conspires to commit one or more of the following:</p> <ul style="list-style-type: none"> <li>● (3) promotion of prostitution, aggravated promotion of prostitution, or compelling of prostitution;</li> <li>● (10) Any offense under Chapter 34 (Money Laundering);</li> <li>● (12) Any offense under Chapter 20A (trafficking of persons);</li> <li>● (13) Any offense under <a href="#">Section 37.10</a> (Tampering With Governmental Record);</li> <li>● (17) Any offense under Section 20.05 (Smuggling of Persons) or 20.06 (Continuous Smuggling of Persons);</li> <li>● (18) Any offense classified as a felony under the Tax Code.<sup>155</sup></li> </ul>	<ul style="list-style-type: none"> <li>● An offense under this section is one category higher than the most serious offense committed in subsection (a).<sup>156</sup></li> <li>● If the most serious offense is a Class A misdemeanor, the offense is then a state jail felony.<sup>157</sup></li> <li>● An offense is a 1st degree felony for and is punishable by imprisonment in the TDCJ punishable for 30-99 years if the most serious offense is smuggling of persons where the smuggled person suffers from serious bodily injury or death or is a victim of aggravated sexual assault.<sup>158</sup></li> </ul>	
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**Texas Occupation Code--Criminal Offenses**

Offenses Defined in Chapter 455			
	Proper Defendant	Offense	Punishment
1	Any person required to be licensed	Knowingly collects a fee or any other form of compensations for massage therapy without being licensed. <sup>159</sup>	<ul style="list-style-type: none"> <li>• Class C Misdemeanor<sup>160</sup></li> <li>• Class A if shown at trial the defendant has been previously convicted of an offense defined under 455.352.<sup>161</sup></li> </ul>
2	Any person required to be licensed	Knowingly acts as a massage therapist without holding the appropriate license, unless he or she is otherwise exempt . <sup>162</sup>	<ul style="list-style-type: none"> <li>• Class C Misdemeanor<sup>163</sup></li> <li>• Class A if shown at trial the defendant has been previously convicted of an offense defined under 455.352.<sup>164</sup></li> </ul>
3	Any person required to be licensed	Knowingly represents his or herself as a massage therapist without holding the appropriate license <sup>165</sup>	<ul style="list-style-type: none"> <li>• Class C Misdemeanor<sup>166</sup></li> <li>• Class A if shown at trial the defendant has been previously convicted of an offense defined under 455.352<sup>167</sup></li> </ul>
4	Any person required to be licensed	Knowingly performs or offers to perform any service with a purported health benefit which involves physical contact with a client. <sup>168</sup>	<ul style="list-style-type: none"> <li>• Class C Misdemeanor<sup>169</sup></li> <li>• Class A if shown at trial the defendant has been previously convicted of an offense defined under 455.352.<sup>170</sup></li> </ul>
5	Owner or Operator of Massage Establishment	Knowingly operates as a massage establishment without obtaining the required state license. <sup>171</sup>	<ul style="list-style-type: none"> <li>• Class B Misdemeanor (No prior convictions).<sup>172</sup></li> <li>• Class A Misdemeanor (1-2 prior convictions)<sup>173</sup></li> <li>• State Jail Felony (3 or more prior convictions)<sup>174</sup></li> </ul>
6	Any person required to be licensed	Knowingly uses the word “massage” or “bath” on a sign or any form of advertising for a Sexually Oriented Business. <sup>175</sup>	<ul style="list-style-type: none"> <li>• Class C Misdemeanor<sup>176</sup></li> <li>• Class A Misdemeanor if shown at trial the defendant has been previously convicted of an offense defined under 455.352.<sup>177</sup></li> </ul>
7	Owner or	Knowingly uses the word “massage” or	<ul style="list-style-type: none"> <li>• Class B Misdemeanor (No prior</li> </ul>



	Operator of a Sexually Oriented Business	“bath” on a sign or any form of advertising. <sup>178</sup>	<p>convictions)<sup>179</sup></p> <ul style="list-style-type: none"> <li>• Class A Misdemeanor (1-2 prior convictions)<sup>180</sup></li> <li>• State Jail Felony (3 or more prior convictions)<sup>181</sup></li> </ul>
8	Owner or Operator of a Sexually Oriented Business	Knowingly holds a license issued under Chapter 455 or operates as a massage establishment. <sup>182</sup>	<ul style="list-style-type: none"> <li>• Class B Misdemeanor (No prior convictions)<sup>183</sup></li> <li>• Class A Misdemeanor (1-2 prior convictions)<sup>184</sup></li> <li>• State Jail Felony (3 or more prior convictions) ,<sup>185</sup></li> </ul>
9	Owner or Operator of a Massage Establishment	Knowingly employs individuals who are unlicensed massage therapists who do not qualify for license exemptions. <sup>186</sup>	<ul style="list-style-type: none"> <li>• Class B Misdemeanor (No prior convictions)<sup>187</sup></li> <li>• Class A Misdemeanor (1-2 prior convictions)<sup>188</sup></li> <li>• State Jail Felony (3 or more prior convictions)<sup>189</sup></li> </ul>
10	Any person required to be licensed	Knowingly (1) employs an individual who is not a U.S. citizen nor an LPR with a valid work permit; (2) employs a minor without parent or legal guardian authorization; (3) allows nude or partially nude employees to provide massage therapy or services to patrons; (4) allow any individual to engage in sexual contact in the massage establishment; (5) allow any individual to practice massage therapy nude or in clothing designed to arise or gratify sexual desire of any individual. <sup>190</sup>	<ul style="list-style-type: none"> <li>• Class C Misdemeanor<sup>191</sup></li> <li>• Class A Misdemeanor if shown at trial the defendant has been previously convicted of an offense defined under 455.352.<sup>192</sup></li> </ul>
11	A massage therapist	Knowingly performs massage therapy, with or without compensation, at or for a sexually oriented business. <sup>193</sup>	<ul style="list-style-type: none"> <li>• Class B Misdemeanor</li> <li>• 1-2 Convictions—Class A Misdemeanor</li> <li>• 3 or more convictions—State Jail Felony<sup>194</sup></li> </ul>
12	Any person required to be licensed	Knowingly fails to post in plain sight the license for each massage therapist who practices in the establishment. <sup>195</sup>	<ul style="list-style-type: none"> <li>• Class C Misdemeanor<sup>196</sup></li> <li>• Class A Misdemeanor if shown at</li> </ul>

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- <sup>1</sup> Polaris Project, “Human Trafficking in Illicit Massage Businesses.” Retrieved from <https://polarisproject.org/sites/default/files/Full%20Report%20-%20Human%20Trafficking%20in%20Illicit%20Massage%20Businesses.pdf>
- <sup>2</sup> CHILDREN AT RISK, “Map: Human Trafficking Near Public Schools.” Retrieved from [https://childrenatrisk.org/simb\\_map/](https://childrenatrisk.org/simb_map/).
- <sup>3</sup> CHILDREN AT RISK, “Map: Human Trafficking Near Public Schools.” Retrieved from [https://childrenatrisk.org/simb\\_map/](https://childrenatrisk.org/simb_map/).
- <sup>4</sup> CHILDREN AT RISK, “Human trafficking near Texas public schools.” Retrieved from [https://childrenatrisk.org/human\\_trafficking\\_near\\_schools\\_analysis/](https://childrenatrisk.org/human_trafficking_near_schools_analysis/).
- <sup>5</sup> Estimations by Local Direct Service Providers in Interviews; Trafficking in Persons Report, Department of Homeland Security, (<https://www.state.gov/documents/organization/282798.pdf>).
- <sup>6</sup> Office on Trafficking in Persons, “Fact Sheet: Human Trafficking OTIP-FS-18-01”. Retrieved from <https://www.acf.hhs.gov/otip/resource/fshumantrafficking>
- <sup>7</sup> *Id.*
- <sup>8</sup> 22 U.S.C. Ch. 78 §§ 1701, 1702.
- <sup>9</sup> Sean M Crotty & Vanessa Bouche, *The Red-Light Network: Exploring the Locational Strategies of Illicit Massage Businesses in Houston, Texas*, Papers in Applied Geography (2018).
- <sup>10</sup> [http://childrenatrisk.org/simb\\_map/](http://childrenatrisk.org/simb_map/); Meredith Dank et. al, *Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major U.S. Cities*, Urban Institute (2015) available at: <https://www.urban.org/sites/default/files/alfresco/publication-pdfs/413047-Estimating-the-Size-and-Structure-of-the-Underground-Commercial-Sex-Economy-in-Eight-Major-US-Cities.PDF>
- <sup>11</sup> Vanessa Bouche & Sean M. Crotty, *Estimating Demand for Illicit Massage Businesses in Houston, Texas*, 4:4 Journal of Human Trafficking 279, 279-297 (2018).
- <sup>12</sup> *Id.*
- <sup>13</sup> *Id.*
- <sup>14</sup> Texas Department of Licensing and Regulation, Massage Therapy, Retrieved from <https://www.tdlr.texas.gov/mas/mas.htm>
- <sup>15</sup> Texas Department of Licensing and Regulation, Massage Therapy Continuing Education Provider Approval, Retrieved from <https://www.tdlr.texas.gov/mas/masceproviders.htm>
- <sup>16</sup> Tex. Occ. Code Ann. § 455.156(b)(1).
- <sup>17</sup> Tex. Occ. Code Ann. § 455.156(b)(1)(A)-(I).
- <sup>18</sup> Tex. Occ. Code Ann. § 455.156(b)(2).
- <sup>19</sup> Tex. Occ. Code Ann. § 455.1525.
- <sup>20</sup> Tex. Occ. Code Ann. §455.152(a) (Note, a bill pending in the 86th Legislative Session may change later change this, HB 1865, available at: <https://capitol.texas.gov/tlodocs/86R/billtext/pdf/HB01865L.pdf#navpanes=0> ).
- <sup>21</sup> Tex. Occ. Code Ann. § 455.160(a).
- <sup>22</sup> Tex. Occ. Code Ann. § 455.059(a); 16 Tex. Admin. Code § 117.82(f) (2017) (Tex. Dept. of Licensing and Regulation, Massage Establishments—General Requirements).
- <sup>23</sup> 16 Tex. Admin. Code § 117.82(f)(1) (2017) (Tex. Dept. of Licensing and Regulation, Massage Establishments—General Requirements).
- <sup>24</sup> 16 Tex. Admin. Code § 117.82(f)(4) (2017) (Tex. Dept. of Licensing and Regulation, Massage Establishments—General Requirements).
- <sup>25</sup> 16 Tex. Admin. Code § 177.111(a) (2017) (Tex. Dept. of Licensing and Regulation, Administrative Penalties and Sanctions).
- <sup>26</sup> Texas Department of Licensing & Regulation, Massage Establishments Inspections and Investigations [Slide deck on file with author].
- <sup>27</sup> 16 Tex. Admin. Code § 117.111(b)(1)-(6) (2017) (Tex. Dept. of Licensing and Regulation, Administrative Penalties and Sanctions).
- <sup>28</sup> 16 Tex. Admin. Code § 117.111(b)-(d) (2017) (Tex. Dept. of Licensing and Regulation, Administrative Penalties and Sanctions)
- <sup>29</sup> 16 Tex. Admin. Code § 117.111(b)(1)-(6) (2017) (Tex. Dept. of Licensing and Regulation, Administrative Penalties and Sanctions).
- <sup>30</sup> Texas Department of Licensing & Regulation, Massage Establishments Inspections and Investigations [Slide deck on file with author]; Interview with Houston Police Department, Vice—Human Trafficking, July 13, 2018,

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interview on file with the author; Interview with Houston Police Department, Differential Response Team, July 30, 2018 & August 10, 2018, interview on file with the author.

<sup>31</sup> Interview with Houston Police Department, Differential Response Team, July 30, 2018 & August 10, 2018, interview on file with the author.

<sup>32</sup> Houston Police Department POLICE DEPARTMENT: Special Operations - DRT Unit. Retrieved from [http://www.houstontx.gov/police/special\\_operations/drt\\_unit.htm](http://www.houstontx.gov/police/special_operations/drt_unit.htm)

<sup>33</sup> U.S. Const., Amend. IV

<sup>34</sup> Tex. Const., Art. I, Sect. 9.

<sup>35</sup> *Hulit v. State*, 982 S.W.2d 431, 434-436 (Tex. Crim App. 1998) (“[Article 1] Section 9, like the Fourth Amendment, comprises two, independent clauses. The first recognizes the right to be free from unreasonable seizures or searches. The second imposes limits on warrants. Neither clause requires a warrant or even authorizes a warrant. The warrant clause does not say when a warrant must issue, or when it may issue; it says only when warrants may not issue ... The natural reading of Section 9 does not support the appellant's assertion that it requires a warrant for a reasonable seizure ... It is our holding that Article I, Section 9 of the Texas Constitution contains no requirement that a seizure or search be authorized by a warrant, and that a seizure or search that is otherwise reasonable will not be found to be in violation of that section because it was not authorized by a warrant.”)

<sup>36</sup> Tex. Occ. Code Ann. § 455.059(1)-(2); 16 Texas Admin Code § 117.82(f) (2017) (Tex. Dept. of Licensing and Regulation, Massage Establishments—General Requirements).

<sup>37</sup> Tex. Code Crim. Proc. Ann. § 2.12 (1)-(6) (note, the list provided in the text is not exclusive of who is considered peace officers of the state).

<sup>38</sup> 16 Tex Admin Code § 177.82(f)(1) (2017) (Tex. Dept. of Licensing and Regulation, Massage Establishment—General Requirements).

<sup>39</sup> 16 Tex Admin Code § 117.82(f)(4) (2017) (Tex. Dept. of Licensing and Regulation, Massage Establishments—General Requirements).

<sup>40</sup> Tracy Bateman, Joh Dvorske, & Beth Bates Holliday, et. al., 22 Tex. Jur. 3d Criminal Procedure: Pretrial Proceedings, § 323 (2019).

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* (citing *New York v. Burger*, 482 U.S. 691 (1987); *Club Retro LLC v. Hilton*, 668 F.3d 181 (5th Cir. 2009)).

<sup>44</sup> *Id.*

<sup>45</sup> Tex. Code Crim. Proc. Ann. § 18.01(a).

<sup>46</sup> Tex. Constitution, Art. I, § 9, “The people shall be secure in their persons, houses, papers and possessions, from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.”; Tex. Code Crim. Proc. Ann. § 18.04(2) “A search warrant issued under this chapter shall be sufficient if it contains the following requisites ... (2) that it identify, as near as may be. that which is to be seized and name or describe, as near as it may be, the person, place or thing to be searched.”

<sup>47</sup> Tex. Code Crim. Proc. Ann. § 18.01(b).

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at § 18.02(a)(1)-(9), (12).

<sup>50</sup> *Id.* at (a)(10).

<sup>51</sup> *Id.* at (a)(11).

<sup>52</sup> *Id.* at (a)(13) (TCCP Art. 18.21 defines electronic consumer data as, “data or records that: are in the possession, care, custody, or control of a provider of an electronic communications service or a remote computing service; and contain: information revealing the identity of customers of the applicable service; information about a customer’s use of the applicable service; information that identifies the recipient or destination of a wire communication or electronic communication sent to or by the customer; the content of a wire communication or electronic communication sent to or by the customer; and any data stored by or on behalf of the customer with the applicable service provider.”)

<sup>53</sup> Tex. Code Crim. Proc. Ann. § 18.02(a)(14).

<sup>54</sup> A code enforcement officer is “an agent of this state or a political subdivision of this state who engages in code enforcement.” (Tex. Occ. Code. Ann. § 1952.001(2)) A person is not required to be registered under this chapter [Chapter 1952—Code Enforcement Officers] (1) if the person is required to be licensed or registered under another law of this state; and (2) engages in code enforcement under that license or registration (Tex. Occ. Code Ann. §

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1952.002(1)-(2); Additionally, “The state of a political subdivision of this State may engage in code enforcement without employing a person registered under this chapter” (Tex. Occ. Code Ann. § 1952.003)).

<sup>55</sup> Tex. Code Crim. Proc. Ann. § 18.05(a) (However, a search warrant may not be issued under this article [§ 18.05] to a code enforcement official of a county with a population of 3.3 million or more for the purpose of allowing the inspection of specified premises to determine the presence of an unsafe building condition or a violation of a building regulation, statute, or ordinance. (Tex. Code Crim. Proc. Ann. § 18.05(e)).

<sup>56</sup> Tex. Code Crim. Proc. Ann. § 18.05(b).

<sup>57</sup> *Id.* at (c).

<sup>58</sup> *Cardoso v. State*, 438 S.W.3d 815, 820 (Tex. App.—San Antonio 2014).

<sup>59</sup> *Long v. State*, 532 S.W.2d 591, 594 (Tex. Crim. App. 1975).

<sup>60</sup> *State v. Haley*, 811 S.W.2d 597, 599 (Tex. Crim. App. 1991) (en banc) (Citing *Coolidge v. New Hampshire*, 403 U.S. 443, 91 (1971). *Horton v. California*, 496 U.S. 128 (1990). *Williams v. State*, 729 S.W.2d 737, 739 (Tex. Crim. App. 1983).

<sup>61</sup> *See e.g.*, *State v. Haley*, 811 S.W.2d 597, 599-600 (Tex. Crim. App. 1991) (en banc) (A DPS officer, who accompanied a health investigator during an inspection was a lawful entry, and the subsequent seizure of contraband was a permissible plain view seizure. The health inspector was “indisputably authorized to enter the building, the inspector normally had local law enforcement accompany him on inspections, the health inspector was unfamiliar with the locale, and the DPS officer entered with the employees’ consent.)

<sup>62</sup> Herman Goldstein, *Improving Policing: A Problem-Oriented Approach*, 25 *Crime & Delinquency* 236-258 (1979) available at:

[https://popcenter.asu.edu/sites/default/files/improving\\_policing\\_a\\_problem-oriented\\_approach\\_goldstein\\_crime\\_delinquency.pdf](https://popcenter.asu.edu/sites/default/files/improving_policing_a_problem-oriented_approach_goldstein_crime_delinquency.pdf)

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.* at 304-05.

<sup>67</sup> *Id.* at 305.

<sup>68</sup> Chuck Wexler, Lisa Carroll, Carl Peed, Ellen Scrivner, Sarah v. Hart, & Nancy Kolb, Excellence in Problem-Oriented Policing: The 2001 Herman Goldstein Award Winners, pg. 2 available at: <https://popcenter.asu.edu/sites/default/files/library/awards/goldstein/2001/2001.pdf>

<sup>69</sup> Graeme R. Newman, The Exploitation of Trafficked Women [POP Center Guide No. 38] (2006) available at: <https://popcenter.asu.edu/content/exploitation-trafficked-women-0>.

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> Interview with Houston Police Department, Vice—Human Trafficking, July 13, 2018, interview on file with the author; Interview with Houston Police Department, Differential Response Team, July 30, 2018 & August 10, 2018, interview on file with the author.

<sup>75</sup> *Id.*

<sup>76</sup> Interview with Houston Police Department, Differential Response Team, July 30, 2018 & August 10, 2018, interview on file with the author.

<sup>77</sup> Interview with Houston Police Department, Vice—Human Trafficking, July 13, 2018, interview on file with the author; Interview with Houston Police Department, Differential Response Team, July 30, 2018 & August 10, 2018, interview on file with the author.

<sup>78</sup> Sgt. Mike Hill & Michael Bruce, *A Problem Oriented Policing Approach to Illegal Massage Businesses and Sex Trafficking*, May 22, 2017 pgs. 2-4, available at: <https://popcenter.asu.edu/sites/default/files/17-05.pdf>

<sup>79</sup> Chuck Wexler, Lisa Carroll, Carl Peed, Ellen Scrivner, Sarah v. Hart, & Nancy Kolb, Excellence in Problem-Oriented Policing: The 2001 Herman Goldstein Award Winners, pg. 2, available at: <https://popcenter.asu.edu/sites/default/files/library/awards/goldstein/2001/2001.pdf>

<sup>80</sup> Sgt. Mike Hill & Michael Bruce, *A Problem Oriented Policing Approach to Illegal Massage Businesses and Sex Trafficking*, May 22, 2017 pg. 5, available at: <https://popcenter.asu.edu/sites/default/files/17-05.pdf>

<sup>81</sup> *Id.* at 5-6.

<sup>82</sup> *Id.*

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<sup>83</sup> Sgt. Mike Hill & Michael Bruce, *A Problem Oriented Policing Approach to Illegal Massage Businesses and Sex Trafficking*, May 22, 2017 pgs. 4-9, available at: <https://popcenter.asu.edu/sites/default/files/17-05.pdf>

<sup>84</sup> The questions listed within this section are derived from, Graeme R. Newman, *The Exploitation of Trafficked Women* [POP Center Guide No. 38] (2006), (Questions were selected based on their relevance to sex trafficking and IMBs) available at:

<https://popcenter.asu.edu/content/exploitation-trafficked-women-0>.

<sup>85</sup> Chuck Wexler, Lisa Carroll, Carl Peed, Ellen Scrivner, Sarah v. Hart, & Nancy Kolb, *Excellence in Problem-Oriented Policing: The 2001 Herman Goldstein Award Winners*, pg. 3, available at: <https://popcenter.asu.edu/sites/default/files/library/awards/goldstein/2001/2001.pdf>

<sup>86</sup> Graeme R. Newman, *The Exploitation of Trafficked Women* [POP Center Guide No. 38] (2006) available at: <https://popcenter.asu.edu/content/exploitation-trafficked-women-0>.

<sup>87</sup> *Id.*

<sup>88</sup> The possible responses for implementation were selected from the following source, with keeping in mind the relevance of sex trafficking and IMBs, Graeme R. Newman, *The Exploitation of Trafficked Women* [POP Center Guide No. 38] (2006) available at:

<https://popcenter.asu.edu/content/exploitation-trafficked-women-0>.

<sup>89</sup> Graeme R. Newman, *The Exploitation of Trafficked Women* [POP Center Guide No. 38] (2006) available at: <https://popcenter.asu.edu/content/exploitation-trafficked-women-0>.

<sup>90</sup> Trafficking in Persons Report, Department of Homeland Security, p. 29 (<https://www.state.gov/documents/organization/282798.pdf>). Backpage search option “cash only”; Polaris Project p. 37 (<https://polarisproject.org/sites/default/files/Full%20Report%20-%20Human%20Trafficking%20in%20Illicit%20Massage%20Businesses.pdf>). ; Police Interviews;

<sup>91</sup> FinCen Advisory “Guidance on Recognizing Activity that May be Associated with Human Smuggling and Human Trafficking – Financial Red Flags.” <https://www.fincen.gov/sites/default/files/advisory/FIN-2014-A008.pdf>;

<sup>92</sup> The following sources were referenced in drafting the following section: Graeme R. Newman, *The Exploitation of Trafficked Women* [POP Center Guide No. 38] (2006); Sgt. Mike Hill & Michael Bruce, *A Problem Oriented Policing Approach to Illegal MAssage Businesses and Sex Trafficking*, May 22, 2017, Pgs 13-16 available at: <https://popcenter.asu.edu/sites/default/files/17-05.pdf>; Sgt. Mike Hill [Houston Police Department Vice/Human Trafficking, Retired,] & Michael Bruce, *A Problem Oriented Policing Approach to Illegal Massage Establishments* (n.d.) available at:

[https://popcenter.asu.edu/sites/default/files/illegal\\_message\\_establishments\\_houston\\_texas\\_goldstein\\_award\\_finalist.pdf](https://popcenter.asu.edu/sites/default/files/illegal_message_establishments_houston_texas_goldstein_award_finalist.pdf)

<sup>93</sup> The measures listed below were compiled from, Graeme R. Newman, *The Exploitation of Trafficked Women* [POP Center Guide No. 38] (2006); Sgt. Mike Hill [Houston Police Department Vice/Human Trafficking, Retired,] & Michael Bruce, *A Problem Oriented Policing Approach to Illegal Massage Establishments*, pg. 10 (n.d.) available at:

[https://popcenter.asu.edu/sites/default/files/illegal\\_message\\_establishments\\_houston\\_texas\\_goldstein\\_award\\_finalist.pdf](https://popcenter.asu.edu/sites/default/files/illegal_message_establishments_houston_texas_goldstein_award_finalist.pdf)

<sup>94</sup> Brian Rogers, *HPD Prostitution Sting Nets Houston Cop Among 139 Clients*, Houston Chronicle (October 26, 2017) available at:

<https://www.chron.com/news/houston-texas/houston/article/HPD-prostitution-stings-includes-Houston-cop-and-12308727.php>

<sup>95</sup> Brian Rogers, *HPD Prostitution Sting Nets Houston Cop Among 139 Clients*, Houston Chronicle (October 26, 2017) available at:

<https://www.chron.com/news/houston-texas/houston/article/HPD-prostitution-stings-includes-Houston-cop-and-12308727.php>

<sup>96</sup> Brian Rogers, *HPD Prostitution Sting Nets Houston Cop Among 139 Clients*, Houston Chronicle (October 26, 2017) available at:

<https://www.chron.com/news/houston-texas/houston/article/HPD-prostitution-stings-includes-Houston-cop-and-12308727.php>

<sup>97</sup> Sgt. Mike Hill & Michael Bruce, *A Problem Oriented Policing Approach to Illegal Massage Businesses and Sex Trafficking*, May 22, 2017, Pgs 10-11 available at:

<https://popcenter.asu.edu/sites/default/files/17-05.pdf>.

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<sup>98</sup> Chuck Wexler, Lisa Carroll, Carl Peed, Ellen Scrivner, Sarah v. Hart, & Nancy Kolb, Excellence in Problem-Oriented Policing: The 2001 Herman Goldstein Award Winners, pg. 3, available at: <https://popcenter.asu.edu/sites/default/files/library/awards/goldstein/2001/2001.pdf>

<sup>99</sup> Sgt. Mike Hill & Michael Bruce, *A Problem Oriented Policing Approach to Illegal Massage Businesses and Sex Trafficking*, May 22, 2017, Pgs 13-16 available at: <https://popcenter.asu.edu/sites/default/files/17-05.pdf>

<sup>100</sup> Sgt. Mike Hill & Michael Bruce, *A Problem Oriented Policing Approach to Illegal Massage Businesses and Sex Trafficking*, May 22, 2017, Pgs 13-16 available at: <https://popcenter.asu.edu/sites/default/files/17-05.pdf>

<sup>101</sup> Interview with Houston Police Department, Differential Response Team, July 30, 2018 & August 10, 2018, interview on file with the author.

<sup>102</sup> Tex. Bus. & Com. Code Ann. § 17.46(33)(A)-(B).

<sup>103</sup> To access Memex, contact the District Attorney of New York. Requestees must provide proof of affiliation with law enforcement and contact with human trafficking cases.

<sup>104</sup> <https://www.htspotlight.com/apps/>

<sup>105</sup> Tex. Occ. Code Ann. § 455.351(i)(1).

<sup>106</sup> *Id.*

<sup>107</sup> Tex. Occ. Code Ann. § 455.351(i)(2)(A)-(B).

<sup>108</sup> *See, e.g.*, Tex. Loc. Gov't Code Ann. § 214.216(b) “The International Building Code applies to all commercial buildings in a municipality for which construction begins on or after January 1, 2006, and to any alteration, remodeling, enlargement, or repair of those commercial buildings.”

<sup>109</sup> Human Trafficking in Illicit Massage Businesses, Polaris Project [https://polarisproject.org/sites/default/files/Full\\_Report\\_Human\\_Trafficking\\_in\\_Illicit\\_Massage\\_Businesses.pdf](https://polarisproject.org/sites/default/files/Full_Report_Human_Trafficking_in_Illicit_Massage_Businesses.pdf)

<sup>110</sup> Tex. Civ. Prac. & Code Ann. § 125.0017

<sup>111</sup> Houston Rescue and Restore Coalition “RESOURCES: MESSAGES FOR COMMUNICATING WITH VICTIMS OF HUMAN TRAFFICKING.” Full list available at: [https://www.acf.hhs.gov/sites/default/files/orr/communicating\\_with\\_victims\\_of\\_human\\_trafficking.pdf](https://www.acf.hhs.gov/sites/default/files/orr/communicating_with_victims_of_human_trafficking.pdf)

<sup>112</sup> U.S. Department of State, Trafficking in Persons Report, pg. 25 (2018)(adapted from Justice Resource Institute, Utilizing Trauma-Informed Approaches to Trafficking-Related Work, available at: [http://www.traumacenter.org/clients/projectreach/H-O%20Trauma-Informed%20Case%20Study\\_final.pdf](http://www.traumacenter.org/clients/projectreach/H-O%20Trauma-Informed%20Case%20Study_final.pdf)

<sup>113</sup> Tex. Penal Code Ann. § 43.02(a)-(b).

<sup>114</sup> *Id.* at (c).

<sup>115</sup> *Id.* at (c)(1).

<sup>116</sup> *Id.* at (c)(2).

<sup>117</sup> *Id.* at (d).

<sup>118</sup> Tex. Penal Code Ann. § 43.03 (a)(1)-(2).

<sup>119</sup> *Id.* at (b).

<sup>120</sup> *Id.* at (b)(1).

<sup>121</sup> Tex. Penal Code Ann. § 43.04(a).

<sup>122</sup> *Id.* at (b).

<sup>123</sup> Tex. Penal Code Ann. § 43.05(a)(1).

<sup>124</sup> *Id.* at (b).

<sup>125</sup> *Id.* at (c).

<sup>126</sup> Tex. Penal Code Ann. § 20A.02(a)(1)-(4).

<sup>127</sup> *Id.* at (b).

<sup>128</sup> *Id.* at (b)(2).

<sup>129</sup> *Id.* at (c).

<sup>130</sup> Tex. Penal Code Ann. § 20A.03(a).

<sup>131</sup> *Id.* at (e).

<sup>132</sup> Tex. Penal Code Ann. § 20.02(a).

<sup>133</sup> *Id.* at (c).

<sup>134</sup> *Id.* at (c)(2)(A).

<sup>135</sup> Tex. Penal Code Ann. § 20.05(a)(1)-(2).

<sup>136</sup> *Id.* at (b).

<sup>137</sup> *Id.* at (b)(1)(a).

<sup>138</sup> *Id.* at (b)(2)(A)-(B).

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<sup>139</sup> *Id.* at (d).  
<sup>140</sup> Tex. Penal Code Ann. § 20.06(a).  
<sup>141</sup> *Id.* at (e).  
<sup>142</sup> *Id.* at (g)(1)-(2).  
<sup>143</sup> Tex. Penal Code Ann. § 21.18(b)(2)-(3).  
<sup>144</sup> *Id.* at (c).  
<sup>145</sup> *Id.* at (e).  
<sup>146</sup> *Id.*  
<sup>147</sup> *Id.* at (d).  
<sup>148</sup> Tex. Penal Code Ann. § 34.02(a)(1)-(4).  
<sup>149</sup> *Id.* at (e)(1).  
<sup>150</sup> *Id.* at (e)(2).  
<sup>151</sup> *Id.* at (e)(3).  
<sup>152</sup> *Id.* at (e)(4).  
<sup>153</sup> *Id.* at (a-1).  
<sup>154</sup> *Id.* at (f).  
<sup>155</sup> Tex. Penal Code Ann. § 71.02(a)(3), (10), (12), (13), (17), (18)  
<sup>156</sup> *Id.* at (b).  
<sup>157</sup> *Id.*  
<sup>158</sup> *Id.* at (b)(2).  
<sup>159</sup> Tex. Occ. Code Ann. § 455.352 (a)(2)  
<sup>160</sup> *Id.* at (d).  
<sup>161</sup> Tex. Occ. Code Ann. § 455.352(e).  
<sup>162</sup> *Id.* at §§ 455.151(a), 455.352(a)(1).  
<sup>163</sup> Tex. Occ. Code Ann. § 455.352(d).  
<sup>164</sup> Tex. Occ. Code Ann. § 455.352(e).  
<sup>165</sup> Tex. Occ. Code Ann. § 455.352(a)(1); Tex. Occ. Code Ann. § 455.151(b)).  
<sup>166</sup> Tex. Occ. Code Ann. § 455.352(d).  
<sup>167</sup> Tex. Occ. Code Ann. § 455.352(e).  
<sup>168</sup> Tex. Occ. Code Ann. § 455.352(a)(1); Tex. Occ. Code Ann. § 455.151(c).  
<sup>169</sup> Tex. Occ. Code Ann. § 455.352(d).  
<sup>170</sup> Tex. Occ. Code Ann. § 455.352(e).  
<sup>171</sup> Tex. Occ. Code Ann. § 455.352(a)(1); Tex. Occ. Code Ann. § 455.151(a).  
<sup>172</sup> Tex. Occ. Code Ann. § 455.352(b).  
<sup>173</sup> *Id.*  
<sup>174</sup> *Id.*  
<sup>175</sup> Tex. Occ. Code Ann. § 455.352(a)(1); Tex. Occ. Code Ann. § 455.205(d).  
<sup>176</sup> Tex. Occ. Code Ann. § 455.352(d).  
<sup>177</sup> Tex. Occ. Code Ann. § 455.352(e).  
<sup>178</sup> Tex. Occ. Code Ann. § 455.352(a)(1); Tex. Occ. Code Ann. § 455.205(d).  
<sup>179</sup> Tex. Occ. Code Ann. § 455.352(b).  
<sup>180</sup> *Id.*  
<sup>181</sup> *Id.*  
<sup>182</sup> Tex. Occ. Code Ann. § 455.352(b); Tex. Occ. Code Ann. § 455.155(d).  
<sup>183</sup> Tex. Occ. Code Ann. § 455.352(b).  
<sup>184</sup> *Id.*  
<sup>185</sup> *Id.*  
<sup>186</sup> Tex. Occ. Code Ann. § 455.352(b); Tex. Occ. Code Ann. § 455.202(a).  
<sup>187</sup> Tex. Occ. Code Ann. § 455.352(b).  
<sup>188</sup> *Id.*  
<sup>189</sup> *Id.*  
<sup>190</sup> Tex. Occ. Code Ann. § 455.352(a)(1); Tex. Occ. Code Ann. § 455.202(b)(1)-(5).  
<sup>191</sup> Tex. Occ. Code Ann. § 455.352(d).  
<sup>192</sup> Tex. Occ. Code Ann. § 455.352(e).  
<sup>193</sup> Tex. Occ. Code Ann. § 455.352(a-1); Tex. Occ. Code Ann. § 455.205(a).

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<sup>194</sup> *Id.*

<sup>195</sup> Tex. Occ. Code Ann. § 455.352(a)(1), Tex. Occ. Code Ann. § 455.204(b).

<sup>196</sup> Tex. Occ. Code Ann. § 455.352(d).

<sup>197</sup> Tex. Occ. Code Ann. § 455.352(e).

<sup>198</sup> Tex. Occ. Code Ann. § 455.352(b), Tex. Occ. Code Ann. § 455.204(b).

<sup>199</sup> Tex. Occ. Code Ann. § 455.352(b).

<sup>200</sup> Tex. Occ. Code Ann. §§ 455.204(c), 455.352(a)(1).

<sup>201</sup> Tex. Occ. Code Ann. § 455.352(d).

<sup>202</sup> Tex. Occ. Code Ann. § 455.352(e).

<sup>203</sup> Tex. Occ. Code Ann. §§ 455.204(c), 455.352(b).

<sup>204</sup> Tex. Occ. Code Ann. § 455.352(b).

<sup>205</sup> Tex. Occ. Code Ann. §§ 455.205(c), 455.352(d).

<sup>206</sup> Tex. Occ. Code Ann. § 455.352(d).

<sup>207</sup> Tex. Occ. Code Ann. § 455.352(e).



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