

Instructor Resource Guide



Basic Missing and Exploited Persons

Course ID# 3275

Continuing Education Requirement

Revised May 2024

ABSTRACT

This course is designed to satisfy the requirements of the Texas Occupations Code Section 1701.402 (k). New reporting requirements were introduced with the passage of HB 2660 and SB 2429 under the 88th regular legislative session. This course will educate law enforcement officers on missing persons, exploitation, and how peace officers are to report incidents of a missing person as written in the Texas Code of Criminal Procedure, Sections 63.009 – 63.00905. This guide covers statewide alerts, reporting agencies and clearinghouses, interdiction, and trauma-informed response.

Instructor Resource Guide:

This is an Instructor Resource Guide (IRG), not a lesson plan. The purpose of the IRG is to outline the minimum state requirements of what must be taught for a course to be considered compliant and receive TCOLE credit.

- A qualified instructor **shall** develop the IRG into a lesson plan that meets their organization and student needs.

Please note: It is up to each Academy and/or Training Contractor to create a lesson plan based on the requirements outlined in the IRG for a particular topic.

Lesson Plan:

Each organization is charged with creating their own lesson plan for how the organization will disseminate the information in the IRG.

- The institutions and instructors will determine how much time is spent on each topic/module, how many/what kind of examples or exercises are used during their presentation, and how in-depth they review each topic in the course they present.
- Any activity that is **suggested** is just that, an example or suggestion, and is not mandated for inclusion.
- Anything that is **required** must be included in the instructor's lesson plan.

Note to Trainers:

It is the responsibility of the Academy and/or Training Coordinator to ensure this curriculum and its materials are kept up to date. Refer to curriculum and legal resources for changes in subject matter or laws relating to this topic as well as the Texas Commission on Law Enforcement website at www.tcole.texas.gov for edits due to course review.

Student Prerequisites:

- None

Instructor Prerequisites:

- A documented subject matter expert who is actively involved in trauma-informed approach, interdiction, missing/exploited persons, human trafficking with at least 2 years' experience instructing law enforcement personnel.
- It is highly encouraged to include a co-presenter/co-instructor/guest speaker(s) from the mental health community who specialize in neurobiology of trauma, trauma-informed approach, and/or victim advocacy.

Length of Course:

- 8 hours, minimum

Assessment:

- Training providers are responsible for creating student assessments and documenting the mastery of all objectives in this course using various testing assessment opportunities.
 - Assessment opportunities include oral or written testing, interaction with instructor and students, case study and scenario, and other means of testing student's application of the skills taught as the instructor or department deems appropriate.
- The minimum passing score shall be 70%.

Unit 1 Types of Missing Persons

INSTRUCTOR NOTE: Instructors are encouraged to remind the class of the legal definitions of terms mentioned in this unit, including the terms missing persons, restraint, kidnapping, and abduction. Throughout this training, instructors must emphasize that a missing person case is never out of jurisdiction.

1.1 Identify different types of missing persons.

- A. Disability
 - i. A person with a mental, physical, intellectual, and/or developmental impairment which increase the possibility of putting themselves at risk of immediate harm.
 - ii. Disabilities may be congenital or acquired.
 - 1. People experience developmental disabilities from birth.
 - 2. A person may acquire a disability during their lifetime.
 - iii. Individuals who are low or nonverbal and those with high support needs may have challenges communicating their whereabouts or seeking help.
- B. Endangered
 - i. A person of any age who is missing and is in the company of another person under circumstances that place them in danger.
- C. Involuntary
 - i. A person of any age who is missing under circumstances that indicate the disappearance was not voluntary.
- D. Voluntary missing adult
 - i. An adult who is reported missing, but who has left of their own free will.
 - ii. A missing person may have intentionally left with the purpose of committing suicide.
- E. Disaster victim
 - i. A person of any age who is reported missing and assumed to be a victim of a disaster, either man-made or natural.
- F. Juvenile
 - i. A person who is unemancipated, as defined by the law, and who does not meet any of the criteria set forth above under disability, endangered, disaster, or involuntary.
 - ii. Texas Family Code §31.001 Requirements
- G. Missing from care
 - i. Adults
 - 1. Missing from places such as:
 - a. Hospitals
 - b. Residential care homes

c. Mental health facilities

ii. Children

1. A child missing from care who is not in the physical custody of the agency, individual, or institution with whom the child has been placed; the child's actual whereabouts may or may not be known.

iii. People missing from care could potentially be more vulnerable to trafficking, exploitation, harm, or injury due to a variety of reasons:

1. Neglect
2. Mental health
3. Lack of support financially and/or emotionally
4. Disability
5. Illness

H. Other

- i. A person who does not meet the criteria for entry in any other category who is missing, and:
 1. For whom there is a reasonable concern for their safety.
 2. A person who is under age 21 and declared emancipated.

1.2 Identify circumstances surrounding missing persons.

A. Abductions

- i. Victims can be any age, including adults.
- ii. Victims may or may not know the abductor.

iii. Attempted abductions

1. Failure to fully complete the crime of abduction.
2. Attempt means an individual takes significant action toward executing a crime.

iv. Family abductions

1. Occurs when a child is taken, wrongfully retained, concealed by a parent or other family member, depriving another individual of their custody or visitation rights.
2. Even if the child is willing to go with the person(s), the person who has abducted them holds no legal custody or responsibility over the child's wellbeing.
 - a. Ex: a child who wants to go with a non-custodial parent or relative.
3. Children are much more likely to be abducted by someone they know, rather than a stranger.
4. Texas Penal Code, Sec. 25.03: Interference With Child Custody

INSTRUCTOR NOTE: Give examples of local or national cases of family abductions where the victim is abducted by a non-custodial parent. These examples must highlight the irrelevancy of the abductor's relationship to the victim when it comes to potential harm.

- v. Non-family abductions
 - 1. An abduction performed by someone who is known, but not related to the victim such as a:
 - a. Neighbor
 - b. Teacher
 - c. Coworker
 - d. Online acquaintance
 - 2. An abduction by someone unknown to the victim.
- vi. Any abduction can put a person in grave danger, even one by a parent or family member.

INSTRUCTOR NOTE: Cover the legal conflicts and discrepancies regarding age, particularly focusing on children 17 years old or younger, including those between the ages of 17 years old and 14 years old, and younger than 14 years old. A missing child is any child younger than the age of 18.

B. Runaway

- i. An individual who is less than 18 years of age who:
 - 1. Voluntarily leaves from home or a place of legal residence without parental permission or without the permission of a legal guardian.
 - 2. Includes children under government care or at a care facility who leave voluntarily but without permission from custodial figures.
- ii. Children run away for a variety of reasons:
 - 1. May be escaping a negative family or living environment.
 - 2. Physical, sexual, or mental abuse contribute to a higher risk of running away.
 - 3. Experiencing a mental health condition.
 - 4. History of substance abuse.
- iii. Children who have experiences with the child welfare system are prone to running away and experiencing homelessness.
 - 1. They have experienced a disruption in living arrangements when they are taken into care.
 - 2. Children run away to avoid foster care or escape a specific foster care placement.
 - 3. May be a default coping mechanism for placement instability or lack of control.
 - 4. They may run away to try and return home.

5. Once a child runs from care for the first time, the likelihood of future incidents of running away significantly increases.
- C. Throwaway/giveaway youth
- i. Youth who have been asked to leave, forced to leave, or given away by parents or caregivers with no alternate care arranged.
 - ii. Lack of support heightens risk of trafficking and exploitation.
- D. Wandering
- i. When someone who needs supervision leaves a safe place or the care of a responsible person, they may not recognize potential dangers such as:
 1. Traffic
 2. Open water
 3. Heights
 4. Weather
 5. Strangers
 - ii. Types of wandering:
 1. Goal-directed wandering
 - a. Wandering with the purpose of getting to something of interest, such as water, train tracks, or a park.
 - b. Sensory seeking, such as wandering toward traffic because of the sounds of passing cars.
 - c. Trying to go to a familiar place.
 2. Bolting/fleeing
 - a. The sudden act of running or bolting, usually to motivated by a desire to quickly escape from a stressful situation or out of excitement.
 - b. Some people with disabilities may startle easy and flee.
 - c. Experiencing sensory or stimuli overload may cause them to bolt or flee.
 3. Other
 - a. Wandering due to:
 - Disorientation
 - Nighttime wandering
 - Transition or confusion
 - The person simply becomes lost
 - b. Cognitive impairments
 - Dementia, which includes Alzheimer's disease.
- E. At risk or endangered persons

- i. Individuals, often children, who are at high risk of trafficking, sexual assault, exploitation, abuse, or neglect:
 1. Disappeared while in a dangerous environment.
 2. Is the victim of a crime or foul play.
 3. Has medical, mental, or behavioral health needs.
 4. Has an intellectual or developmental disability, including cognitive impairment.
 5. Is a child known to have been last seen with an adult unknown to the child's family or legal guardian.

REQUIRED ACTIVITY: Present case studies to the learners and ask students to classify the type of victim and the circumstances under which they went missing. The case studies must cover all different types of categories covered in learning objectives 1.1 and 1.2.

F. Displaced by disaster

- i. A disaster refers to any event which causes widespread material, economic, or environmental impacts which exceed a community's ability to cope using its own resources.
 1. Extreme weather or natural disasters such as tornadoes, wildfires, and floods.
 2. Violence such as mass shootings.
 3. Major sporting events.
 4. Large music festivals or concerts.
 5. Transportation incidents, such as multi-car crashes and train collisions.
- ii. Natural or man-made disasters have the potential to displace many people in a short amount of time. The situation becomes more complicated when people are already separated and are forced to evacuate.
 1. People at various locations like schools, workplaces, or homes may be evacuated to different shelters for safety.
- iii. Effects of a disaster
 1. Infrastructural problems such as closure of roads and transportation routes or damage to buildings.
 2. Communication system failures such as disruption of phone networks, internet services, and emergency communications.
 3. Lack of access to previously planned evacuations due to blocked evacuation routes and insufficient transportation resources.

SUGGESTED ACTIVITY:

Create a scenario involving different types of disasters, both man-made and natural i.e. collapsed building, tornados, hurricanes, flash floods etc. Have students discuss the effects of

each disaster and how it may hinder or further complicate law enforcement response and efforts.

Unit 2 Proper Handling of a Missing Person Case

2.1 Identify types of reporting systems.

- A. Missing Persons Clearinghouse (MPCH):
 - i. Code of Criminal Procedure, Sec. 63.003: Function of Clearinghouse
 - 1. Central repository of information on missing children, missing persons, and attempted child abductions.
 - 2. Communicates with the NCIC to exchange information on missing children and missing persons.
 - ii. Code of Criminal Procedure, Sec. 63.005: Distribution of Information
 - 1. Includes information on unidentified bodies within the state.
 - iii. Code of Criminal Procedure, Sec. 63.014: Cross-Checking and Matching
 - iv. Code of Criminal Procedure, Sec. 63.017: Confidentiality of Certain Records
- B. National Crime Information Center (NCIC):
 - i. Computerized index of missing persons and criminal information.
 - ii. Designed for rapid exchange of information between criminal justice agencies.
 - iii. Communicates with the MPCH to exchange information on missing children and missing persons.
- C. Texas Crime Information Center (TCIC):
 - i. Statewide database providing information on missing people among other criminal information.
 - ii. Directly linked to NCIC.
- D. National Missing and Unidentified Persons System (NamUs):
 - i. National centralized repository and resource center for missing, unidentified, and unclaimed person cases across the United States.
 - ii. Connects law enforcement with tools and resources to resolve long-term missing person cases.
- E. Alzheimer's Association Safe Return emergency response center:
 - i. Nationwide emergency response service for individuals living with Alzheimer's disease or another dementia.
 - ii. Specialize in wanderings and medical emergencies for individuals living with Alzheimer's disease or dementia.

2.2 Indicate the types of statewide alerts.

INSTRUCTOR NOTE: Learners may require more instruction on the criteria of different types of emergency alerts. The instructor has the discretion to include that information in the lesson if appropriate.

- A. America's Missing: Broadcast Emergency Response (AMBER) Alert:
 - i. A statewide alert to assist in locating an abducted child or a missing person with an intellectual disability.
 - ii. Local area activation is allowed under certain circumstances where statewide criteria has not yet been met.
 - 1. Local activation area:
 - a. Within a 100-mile radius of the location from which the child is believed to have gone missing or the location in which the child was last seen, as applicable.
 - b. In all counties adjacent to the county from which the child is believed to have gone missing or the county in which the child was last seen, as applicable.
 - 2. Local activation requirements:
 - a. Criteria for an AMBER alert has not yet been verified.
 - b. The chief law enforcement officer of the agency believes activation of the alert system is warranted.
- B. Silver Alert:
 - i. A statewide alert to assist in locating missing senior citizens or persons with Alzheimer's disease.
- C. Endangered Missing Persons Alert:
 - i. A statewide alert to assist in locating missing persons with an intellectual disability.
- D. Camo Alert:
 - i. A statewide alert to assist in locating missing current or former members of the United States armed forces, including the National Guard or a reserve or auxiliary unit of any branch of the armed forces.
- E. CLEAR Alert:
 - i. A statewide alert to assist in locating and rescuing missing, kidnapped, or abducted adults, or adults who are in immediate danger of injury or death. Also used to aid in locating any potential suspects.
- F. To activate any of these alerts, there must be sufficient information to disseminate to the public to assist in locating the individual, a suspect, or any vehicle used in the incident.

2.3 Identify how to gather information in the report for a possible alert.

- A. Obtain a detailed description of people, vehicles, and things using specific, clear, and vivid language.
- B. Persons:
 - i. Race, sex, and age

- ii. Height and weight
 - iii. Hair – color, texture, and style
 - iv. Head covering – color and style
 - v. Face – complexion and shape
 - vi. Eyes, nose, and mouth – color and shape
 - vii. Shirt, pants, shoes, other clothing – color and style
 - viii. Other distinguishing marks – piercings, tattoos, scars or physical disfigurements, etc.
 - ix. Injuries
 - x. Objects they are carrying
- C. Vehicles:
- i. Describe from top to bottom
 - ii. Color, year, make, model, body style
 - iii. License plate: year of expiration, state registered, whole or partial number
 - iv. VIN (Vehicle Identification Number)
 - v. Distinguishing marks, damage, bumper stickers, modifications
- D. Other property:
- i. Description will differ by the type of property, but should include:
 - 1. Manufacturer
 - 2. Model name/number
 - 3. Size, color, style
 - 4. Use (if not obvious)
- E. Date(s) and time(s):
- i. Try to obtain as much detail as possible. If exact time/date is not known, provide a range.
- F. Exact last known location of the missing person.

REQUIRED ACTIVITY: Instructors must provide students with examples of recent emergency alerts. It is important to find recent alerts that have detailed information and those that have very little information. Have learners compare the effectiveness of more detailed alerts with alerts that include less information.

2.4 Identify the legal requirements of reporting a missing person.

- A. Code of Criminal Procedure, Sec. 63.004: Report Forms
- B. Code of Criminal Procedure, Sec. 63.009: Law Enforcement Requirements Generally
- C. Regardless of jurisdiction, law enforcement shall take a missing persons' report. A missing person is never out of law enforcement's jurisdiction.

INSTRUCTOR NOTE: Any missing persons' report made and entered into the NCIC is automatically reported and entered into the MPCH. There is no need to enter it into the NCIC and MPCH individually if already entered into the NCIC.

2.5 Identify the legal requirements of reporting missing children.

- A. Specifics for reporting a missing child:
 - i. In accordance with 42 USC 5779(a), agencies are required to enter records into the NCIC Missing Person File for missing individuals under the age of 18.
 - ii. Code of Criminal Procedure, 63.00905: Law Enforcement Requirements for Report of Missing Child
 - iii. Law enforcement must immediately begin an investigation into the location of the child reported missing.
 - iv. All requirements for reporting missing children apply to all law enforcement, regardless of the jurisdiction in which a child goes missing.
- B. Specifics for reporting certain missing children:
 - i. Code of Criminal Procedure, Sec. 63.0091: Law Enforcement Requirements Regarding Reports of Certain Missing Children
- C. Specifics for reporting a child abduction attempt:
 - i. Code of Criminal Procedure, Sec. 63.0041: Reporting of Attempted Child Abduction
- D. School requirements regarding missing children.
 - i. Code of Criminal Procedure, Sec. 63.008: Missing Children Program
 - ii. Code of Criminal Procedure, Sec. 63.019: School Records System
 - iii. Code of Criminal Procedure, Sec. 63.020: Duty of Schools and Other Entities to Flag Missing Children's Records
 - iv. Code of Criminal Procedure, Sec. 63.021: System For Flagging Records

2.6 Identify how to handle false reporting.

- A. Penal Code, Sec. 37.081: False Report Regarding Missing Child or Missing Person
- B. When a report is discovered to be falsified, the law enforcement agency that took the report must:
 - i. Clear the report entry within the NCIC, TCIC.
 - ii. Reach out to the MPCH to confirm the disposition of the report and subsequent case.
- C. Reports made in good faith are not false reports. An individual may genuinely believe the reported person is missing and has no intent to deceive or take away from police resources.

Unit 3 Recovery and Reunification

INSTRUCTOR NOTE: Instructors are encouraged to discuss the needed steps to verify custodial guardians or possible caretakers of recently recovered missing persons. Verification can be achieved through a variety of methods. The more methods of verification available, the stronger the process becomes.

3.1 Indicate the legal requirements for recovering a missing person.

- A. Code of Criminal Procedure, Sec. 63.009 (f)
- B. Code of Criminal Procedure, Sec. 63.00905 (f), (g)
- C. When returning children, it is vital to verify the custodial guardian(s) of the child.
 - i. A parent may not always be the custodial guardian of the child.
- D. If the recovered person is a victim of a crime:
 - i. Code of Criminal Procedure, Sec. 56A
- E. Follow agency protocol on verification procedures.

3.2 Identify possible behaviors of missing persons when encountered.

- A. A missing person may be:
 - i. Disoriented
 - ii. Tense
 - iii. Cautious
 - iv. Confused
 - v. Hesitant to respond
 - vi. Combative
- B. They may have an extreme reaction to being found. Reactions can be but are not limited to:
 - i. Fleeing
 - ii. Fighting
 - iii. Hiding or avoiding others
 - iv. Making loud, sudden sounds such as screaming or yelling
- C. The person may be:
 - i. Malnourished
 - ii. Dehydrated
 - iii. Injured
 - iv. Under the influence
 - v. Hypo- or hyperthermic
 - vi. Sick or ill
- D. Victims may not self-identify as a victim.
 - i. A child might not understand they are missing because they willingly left with their caretaker or family member.

- ii. A person may have been groomed and voluntarily left with a perpetrator without recognizing themselves as a victim.
- iii. A person may not be aware they are missing or have been reported as missing.
 - 1. A person may wander off, sneak out, or become separated from their family and peers only to be found by peace officers unharmed.
 - 2. A person with IDD, Alzheimer's, etc., may not realize they are missing.
- E. A victim may lie and try to protect the abductor out of loyalty or fear.

INSTRUCTOR NOTE: If there's a suspicion or confirmation of sexual assault, it is important for officers to offer a Sexual Assault Forensic Exam (SAFE) or Sexual Assault Nurse Practitioner Exam (SANE) and preserve any evidence. Officers should advise the victim not to eat, drink, shower, use the restroom, brush their teeth, or remove clothing before the exam. There are various ways officers can provide support and create a safe environment for victims.

3.3 Identify best practices for law enforcement personnel when encountering a missing person.

- A. Take a trauma-informed approach by understanding the physical, social, psychological, and emotional impact of trauma on the individual.
- B. Look for a medical ID and contact caregiver, if available.
- C. Make sure the victim feels safe physically, emotionally, and psychologically.
 - i. When applicable, provide a victim advocate as soon as possible.
 - ii. Approaching someone quickly may be frightening.
 - iii. Put a victim at ease and increase their sense of security.
 - 1. For children, physically get down on their level.
 - 2. Offer food or beverage (unless there are signs of sexual assault).
 - 3. If they are crying, offer a tissue.
 - 4. Adapt, wherever possible, to meet the needs and wishes of the victim to foster their sense of control.
 - iv. Speak, reassure the person even if nonverbal.
 - 1. If nonverbal, offer a phone or tablet to communicate via typing.
- D. If there is no immediate danger, give the person time and space, and avoid the use of restraint.
 - i. Avoid treating a combative individual as a criminal. There could be a variety of reasons behind their reactions:
 - 1. Communication difficulties
 - 2. Sensory overload
 - 3. Anxiety or fear
 - 4. Difficulty processing instructions
 - 5. Past negative experiences with law enforcement

- E. Build trust with the victim by being trustworthy and transparent in all interactions.
 - i. Provide accurate information.
 - ii. Prepare victim with what to expect and avoid unexpected changes if possible.
 - iii. If you don't know the answer, don't lie, or make promises. Be honest.
- F. Individuals who have experienced trauma may struggle to remember facts such as dates, places, and names.
 - i. Victims may provide information that seems contradictory or that does not adhere to a logical timeline.
 - ii. Do not assume the victim is lying.
 - iii. Understand you may be encountering a trauma response.
- G. Use TALK tactics to de-escalate.
 - i. These tactics are designed for people with dementia, but in most/many cases can be applied to all missing persons.
 - ii. Take it slow.
 - 1. Be patient.
 - 2. Remain calm.
 - 3. Speak with a normal tone.
 - iii. Ask simple questions.
 - 1. Use simple literal phrases.
 - 2. Avoid multi-part questions.
 - 3. Be patient waiting for answers.
 - 4. Avoid the instinct to rephrase a question and ask again; rather pose a question the exact same way you did the first time.
 - iv. Limit reality checks.
 - 1. Avoid correcting the person.
 - 2. Redirect as necessary. Try making a connection to another event, relative, or place and time.
 - v. Keep eye contact.
 - 1. Use nonverbal communication.
 - 2. Be aware of your body language.
- H. Knowing how to adjust when approaching someone who is missing can increase the likelihood of a more positive outcome for all.

INSTRUCTOR NOTE: NCMEC provides a first responder checklist for an initial response investigation into a missing child. The National Autism Awareness Association provides a first responder toolkit to searching for missing persons on the autism spectrum. See Appendix A for resources.

3.4 Identify best practices for law enforcement when reunifying missing and/or separated persons during a disaster.

- A. Reunification is the process of assisting displaced disaster survivors with voluntarily reestablishing contact with family and friends after a period of separation.
- B. Challenges with reunification are:
 - i. Scale of the disaster.
 - 1. Ex: A larger affected area can mean a larger number of people impacted.
 - ii. Mass evacuation of residential areas, especially densely populated areas.
 - iii. Schools, universities, or hospitals affected.
 - 1. Primary shelters being affected during a disaster.
 - 2. Limited backup shelters available.
 - 3. Should a hospital be affected, care for victims of a disaster can be slowed and even halted.
 - iv. When the disaster happens:
 - 1. During a school day or workday.
 - 2. During a weekend or holiday.
 - 3. During a large public event, such as a concert or a sporting event.
 - v. Local resources are spread thin.
 - 1. Law enforcement may be spread out across large, affected areas during evacuations and beyond, and may be limited in working towards reunification efforts.
 - vi. No established reunification process in place.
 - 1. Communities without a reunification plan run the risk of bringing into contact vulnerable individuals and individuals without background checks who could pose a separate threat.
 - 2. People may be lost in the process and separated further.
 - vii. Loss of access to transportation.
 - 1. Disruptions to public transportation.
 - 2. Lack of access to a personal vehicle can deter or even prevent possible reunification efforts.
 - viii. Age and language barriers between separated people vary.
 - 1. People with limited English proficiency.
 - 2. Language barrier or lack of communication accommodations.
 - a. People who are deaf/hard-of-hearing.
 - 3. Preverbal or nonverbal people, including people with special needs.

INSTRUCTOR NOTE: Students should know their agency protocol in disasters and what to do when they are in possession of an unaccompanied minor or anyone who falls in the category of requiring care.

- ix. Complications from the disaster itself.
 1. People in need of rescue.
 2. People in need of medical attention.
- C. A disaster response plan should be available and in place for preparation, response, and recovery.

INSTRUCTOR NOTE: Rather than discuss the students' personal disaster response plans, focus on discussing their professional role in promoting community safety when they respond to a disaster in their own or in another community. Where applicable, review your area's disaster response plan.

REQUIRED ACTIVITY: Roleplay the initial response to a recovery of a missing person. The learner playing the officer should introduce themselves and apply tactics and techniques from Unit 3. Use different scenarios of a victim's behaviors and responses. Provide feedback on the officer's interactions.

- As an alternative, the instructor may use real footage of officer recovery efforts towards missing persons. In this case, have students compare and discuss the tactics and techniques used in the video with information learned in Unit 3.

Unit 4 Types of Exploited Persons

INSTRUCTOR NOTE: The instructor should stress that while exploitation is legally defined for children, elderly individuals, and disabled individuals under Penal Code, Sec. 32.53: Exploitation of Child, Elderly Individual, or Disabled Individual, it extends beyond these groups. Instructors are encouraged to provide additional examples that demonstrate its wider range.

4.1 Identify types of exploitation.

- A. Exploitation means the illegal or improper use of a child, elderly individual, or disabled individual, or of the resources of a child, elderly individual, or disabled individual for monetary or personal benefit, profit, or gain.
- B. There are many forms of exploitation, including but not limited to:
 - i. Sexual exploitation
 1. Actual or attempted abuse of a position of vulnerability, power, or trust, for sexual purposes. Including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.
 2. Sexual abuse: Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
 3. Penal Code, Sec. 43.25: Sexual Performance By a Child (b), (d)
 4. Penal Code, Sec. 43.251: Employment Harmful to Children (b)
 - ii. Labor exploitation
 1. Abuse of people in the workplace for profit.
 - iii. Financial exploitation

1. The wrongful or unauthorized taking, withholding, appropriation, or use of the money, assets, or other property or the identifying information of a person.
 2. Most often found in cases with elderly adults or adults with disabilities.
 3. Finance Code, Sec. 281.001: Definitions (3)
- iv. Online exploitation: coercion and extortion
1. Online sexual coercion and extortion: the act of sharing, or threatening to share, sexual images or information online with the use of digital technology as the means of coercion.
 2. The aim of online exploitation could be to:
 - a. Cause distress to the victim
 - b. Gain financially
 - c. Sexually abuse and/or exploit the victim
 3. Other motivations may include malice or heightened attention on social media.
 4. Penal Code, Sec. 33.021: Online Solicitation of a Minor
 5. Penal Code, Sec. 21.18: Sexual Coercion

4.2 Identify types of human trafficking.

- A. Traffic means to transport, entice, recruit, harbor, provide, or otherwise obtain another person by any means.
- B. Trafficking is involuntary, involves forced exploitation, and can occur domestically.
 - i. Trafficking can happen in any location, including the residence of the trafficked person.
- C. To traffic a person with the intent to force them into labor or services and receive a benefit from said forced labor or services.
- D. Penal Code, Sec. 20A.02: Trafficking of Persons
- E. There are many types of human trafficking, including but not limited to:
 - i. Sex trafficking
 1. A form of human trafficking for the purpose of sexual exploitation.
 2. Prostitution vs. trafficking:
 - a. Prostitution can become trafficking, but trafficking must not be considered prostitution.
 - b. A sex trafficking victim is a rape victim.
 - ii. Child trafficking
 1. Children who are recruited, transported, transferred, harbored, or received for the purpose of exploitation.
 - iii. Labor trafficking

1. The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, using force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
2. Least known but most widely used method of trafficking individuals.
3. Bonded/debt labor
 - a. Victim's labor is used for a means of repayment to a debt owed.
4. Forced labor or services
 - a. Victims are forced to work against their will, under threat of violence or some other form of punishment.
 - b. Forms of forced labor can include domestic servitude, agricultural labor, sweatshop factory labor, janitorial, food service and other service industry labor, and begging.

REQUIRED ACTIVITY: Identify case studies and ask learners to classify the type of victim and the circumstances under which they are being exploited. The case studies must cover all different types of categories covered in learning objectives 4.1 and 4.2.

4.3 Identify high risk populations.

- A. Anyone is at risk of being exploited, but some individuals are more vulnerable or susceptible to being exploited.
 - i. Children, such as but not limited to:
 1. Foster children
 2. Children in the juvenile justice system
 3. Runaways
 4. Unaccompanied minors
 - ii. Elderly adults
 - iii. Disabled individuals
 - iv. Non-citizens
 - v. Undocumented persons
 - vi. Individuals with a language or cultural barrier
 - vii. Individuals battling substance abuse
 - viii. Individuals with lack of access to housing
 - ix. LGBTQ+ persons
 - x. People of color

Unit 5 Interdiction and Reporting

5.1 Define interdiction.

- A. The action of intercepting and preventing the movement of a prohibited commodity or person.

- B. Similar to drug interdiction, interdiction as it comes to human exploitation and trafficking is about recognizing the signs and seeing past what is being presented.

5.2 Identify signs of human trafficking and exploitation.

- A. Signs of trafficking and exploitation may include, but are not limited to:
- i. Restricted communication
 - 1. Appear to be monitored by another person when talking or interacting with others.
 - 2. Answers appear scripted or rehearsed.
 - 3. A third party has to translate for them.
 - ii. Signs of physical abuse.
 - iii. Submissive or fearful.
 - iv. Are not free to come and go as they please and are often escorted.
 - v. May not know their own address.
 - vi. May exhibit fear, anxiety, hostility, and avoid eye contact.
 - vii. May have signs of age regression such as sucking thumbs, rocking, baby talk, etc.
 - viii. Concealment of identification/identity.
 - 1. One party's identification being in the possession of the other or contained within an area away from their direct control.
 - ix. May have inconsistencies in their story.
 - x. Does not know where they are or where they are going.
 - xi. Unexplained travel particularly with inadequate resources or reason.
 - xii. Tattoos or branding
 - xiii. Resources outside their means without explanation.
 - 1. A person under 18 cannot rent a hotel room or car, open a bank account, enter into a contract, etc.
 - 2. This inability may also be true for some adults.
- B. Signs of sex trafficking and exploitation may include:
- i. Physical:
 - 1. Large amounts of money with no employment or source of income.
 - 2. Possession of condoms or lubricant bought in bulk.
 - 3. Multiple hotel keys
 - 4. Sex toys
 - 5. Mouthwash
 - 6. Multiple cell phones
 - 7. Refillable gift cards

- ii. Verbal:
 - 1. Use of sexual terms.
 - 2. Prostitution life terms or street slang.
 - 3. Deferring questions to older romantic partner.
- iii. Behavioral
 - 1. Isolation from family and friends.
 - 2. Frequent runaway incidents or truancy.
- C. Signs of labor trafficking and exploitation:
 - i. No identifying documents on hand.
 - ii. 'Manager' refuses to allow individuals to speak separately or in private.
 - iii. Indications of a power disparity among the parties.
 - 1. One party who speaks for the other(s).
 - 2. One party who appears well groomed and appropriately dressed while the other(s) are not.
 - 3. Disparity in the state of or quantity of baggage.
 - iv. Indicators of travel
 - 1. Baggage
 - 2. Receipts
 - 3. Trash
 - 4. Fast food containers
 - 5. Any other indication of continuous movement or travel.
- D. Conduct and body language displayed by the parties should be interpreted in consideration of any cultural context that may surround the contact.

5.3 Identify how to interdict.

- A. Law enforcement personnel cannot always expect a victim to come forward to ask for help. Peace officers must be willing to take the step further and be able to recognize when to expand their investigation beyond the context of their initial encounter.
 - i. Interdiction is required for any juvenile involved in any runaway or prostitution scenario.
 - 1. In situations involving a child under the age of 18, a peace officer shall notify DFPS if they have reason to believe the child is subject to abuse or neglect, including emotional abuse.
 - ii. An outcry is needed before an officer can interdict in a case involving an adult.
 - 1. In situations where two people are living together or in a relationship, there may be an offense related to domestic violence or sexual assault which may help determine what, if any, action beyond documentation should be taken.

- B. Pay special attention to any signs of exploitation, abuse, or trafficking.
- C. Check if individuals, particularly children, show up on any missing persons clearinghouses.
 - i. NCIC/TCIC
 - ii. DFPS Impact Check
- D. If there is a suspicion of trafficking, abuse, or exploitation, call for back up.
- E. Documentation is crucial for the perpetrator to be held accountable by the criminal justice system.
 - i. Articulate, both verbally on body cam or dash cam – where possible and safe – and in written report, all observations, statements, circumstances, conditions, etc. as well as the reasons for the stop or contact with these individuals.
 - 1. Consensual vs. probable cause
 - ii. It is very important to document the timeline.
 - 1. Stop time, consent to search time, custody time, Miranda read time, contact of parent, contact/check of missing persons clearinghouse, etc.
 - iii. Document conditions surrounding the victim.
 - 1. Observations of what was in the car and how it does not fit or why it was concerning.
 - 2. The clothing the victim was wearing.
 - 3. Victim's attitude toward the suspect.
 - 4. Victim's demeanor - upset, confused, flat/emotionless, angry, etc.
 - a. Important to describe their demeanor as it might rise to a hearsay exception later.
 - 5. Elements of suspected offense.
 - a. Check the statute and elements of the crime the suspect is being charged with, then articulate them in the probable cause affidavit and offense report.
 - iv. Do not rely solely on video to capture notes, thoughts, timelines.
 - 1. Take photos and notes.
 - 2. Do not rely on audio from video being clear.
 - 3. Do not rely on stills from video being clear, take still photos for documentation.
- F. Suspicious Activity Reporting:
 - i. Even if no intervention is warranted at the time of contact, a report should be initiated citing the circumstances and red flags.

- ii. The Texas Suspicious Activity Reporting Network (TxSARNet) is a statewide suspicious activity reporting network created to build a holistic view of terrorism or crime-related suspicious activity in Texas.
- iii. To report suspicious activity: iWatchTX community reporting resource available for commissioned and non-commissioned individuals.

REQUIRED ACTIVITY: Build an activity around differentiating when to interdict and when to write a SAR. As an example, students may work in groups to identify the elements that justify an interdiction or an SAR.

INSTRUCTOR NOTE: If there's a suspicion or confirmation of sexual assault, it's important for officers to offer a Sexual Assault Forensic Exam (SAFE) or Sexual Assault Nurse Practitioner Exam (SANE) and preserve any evidence. Officers should advise the victim not to eat, drink, shower, use the restroom, brush their teeth, or remove clothing before the exam. There are various ways officers can provide support and create a safe environment for victims.

5.4 Indicate the best practices of a trauma-informed approach to exploitation victims.

- A. Trafficking can have a profound and prolonged negative impact on victims. Many trafficking victims experience repeated traumatic events over time.
 - i. Victims have usually experienced some form of trauma and have high levels of PTSD.
- B. Victims may not want to identify as victims and may not want help or may not know they need help.
 - i. Victims may display behaviors or characteristics that could resemble a criminal rather than a victim.
 - ii. Victims may appear to be combative or belligerent and act like they do not want help.
 - 1. Their reaction could be a cry for help – do not negatively react to their reaction.
 - 2. Their reaction could be a trauma response.
 - 3. Abusers may have threatened their family or friends should they cooperate with the police.
 - iii. Most victims do not trust law enforcement or see law enforcement as someone who will come and save them.
- C. Know your own personal biases.
 - i. Do not make assumptions.
 - ii. Signs of victimization vary:
 - 1. Some victims show no outward signs and may display physiological signs.
 - 2. Some victims may display dramatic changes to daily functioning.
- D. Ensure the safety of the victim.
 - i. Withholding physical needs is a tactic used by traffickers to ensure compliance.

1. Providing necessities such as food and beverage (unless there are signs of sexual assault), or blankets can help alleviate stress and create a sense of security.
 2. Expressing empathy and validating the victim's emotions can help them feel supported.
 3. If applicable, allow them to practice any self-soothing habits such as:
 - a. Drawing or coloring
 - b. Listening to music
 - c. Smoking a cigarette
 4. When possible, conduct conversation and interviews in a place that feels safe and private for the victim.
 - a. Always separate parties.
 - This provides the victim an opportunity to speak with law enforcement without fear.
 - Make sure victim is out of earshot/eyesight of other parties.
 - If the caregiver is not the abuser, they can support by saying "it's okay, you can talk to them".
- ii. Trustworthiness and transparency:
1. Trust is a major issue, and many victims have experienced manipulation, coercion, isolation, and other forms of abuse.
 2. Always be honest, even if you do not have the answer.
 3. Use open-ended questions. This will allow more information to be given and gives the victim an opportunity to talk.
 - a. Do not use a rapid-fire questioning technique; this may cause confusion, or cause victims to shut down.
 4. Encourage the victim to express their thoughts and feelings openly and without judgement.
 - a. Listen to what they are telling you and validate their experiences.
 - b. Even if you don't believe the truth is being told, listen anyway.
- iii. Peer support:
1. Facilitate access to victim assistance support throughout the reporting and investigative process.
- iv. Assist the victim in making informed decisions regarding their participation in the investigation by answering questions and providing accurate information.
1. Support the victim in feeling empowered and in control of their own recovery.

2. Respect the individual's choices and preferences and allow them to have a voice in their treatment and support services.
3. Avoid using stigmatizing or judgmental language. Choose language that accurately reflects the victim's experience.
 - a. Use language such as "victim of trafficking/exploitation."
 - b. Choosing language carefully can create a supportive and empowering environment that encourages survivors to speak out without shame or fear of judgment.
- v. Prepare the victim for what to expect and avoid unexpected changes if possible.
 1. Communication and transparency are essential in minimizing re-traumatizing victims.
- vi. Cultural, historical, and gender issues:
 1. Recognizing and addressing the cultural, historical, and gender-related factors that can influence a victim's experience of trauma and their healing process.

REQUIRED ACTIVITY: Roleplay the initial patrol response to a suspected trafficking case. The learner playing the officer should introduce themselves, demonstrate building rapport with the victim and gather information to establish elements of a crime. Use different scenarios of a victim's behaviors and responses. Provide feedback on the officer's interactions.

- As an alternative, the instructor may use real footage of officer response to a suspected trafficking case. Have students compare and discuss the tactics and techniques used in the video with information learned in Unit 5.

INSTRUCTOR NOTE: Before teaching learners about victim rights, instructors should first familiarize themselves with Code of Criminal Procedure, Sec. 56A, which outlines the Rights of Crime Victims.

5.5 Recall victim rights.

- A. Work closely with victim services or a victim service advocate.
 - i. Victim services or advocates can offer emotional support, resources, and guidance to victims. They serve as liaisons between victims and law enforcement.
 - ii. Be familiar with victim services in your area.
 1. Some form of victim services is always available.
 2. Make sure victims receive case management through a crisis center or child advocacy center.
 3. Connect victims with resources that are applicable and for which they are eligible.
- B. Do not interview a victim in a way which could cause them to incriminate themselves without first ensuring they have legal representation.

- i. Juveniles will have an ad-litem appointed attorney.
- C. Some victims may have a warrant or committed a crime.
 - i. They still have the rights of a victim.
 1. They may not be eligible for victim's compensation.
 - ii. Check agency protocols to see if postponing an execution of the warrant is possible to avoid arresting the victim.
- D. Arresting victims exacerbates their mistrust of law enforcement.
 - i. Dismissing, vacating or expungement of charges can be difficult and, in some cases, impossible.
 - ii. Arrests will always be on the NCIC report.
 - iii. If an arrest is necessary, check agency protocols to see if it's possible for someone to talk with the prosecutor to explain the situation and get charges dropped.

INSTRUCTOR NOTE: Remind learners the importance of advocating for victims. It's crucial to know what resources are available for victims in their jurisdiction. If they are unsure, it's important to know how to find the available resources. Knowing this information will not only benefit the victim, but also assist law enforcement in building rapport.

REQUIRED ACTIVITY:

- Instructor must have learners complete an activity regarding locating local victim services. It is encouraged to have the learner independently research and compile various types of services available in their jurisdiction. Instructors may create or use an activity of their own with these concepts in mind.
- Learners may also use this activity to create a personal resource document they can keep for future reference.
- The resource should include important information such as the name, contact information, services offered, and eligibility criteria.
- Encourage students to develop their resource in a format that is both easily accessible and portable. This could take the form of a physical item, like a notecard or notebook, or a digital option, such as an app on their phone or a readily available document saved on their device.

APPENDIX A

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<https://nationalautismassociation.org/docs/BigRedSafetyToolkit-FR.pdf> (last accessed April 16th, 2024).

National Center for Missing and Exploited Children – Investigative Checklist for First Responders (Printable):

<https://www.missingkids.org/content/dam/missingkids/pdfs/publications/nc88.pdf>

National Center for Missing and Exploited Children – Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management:

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