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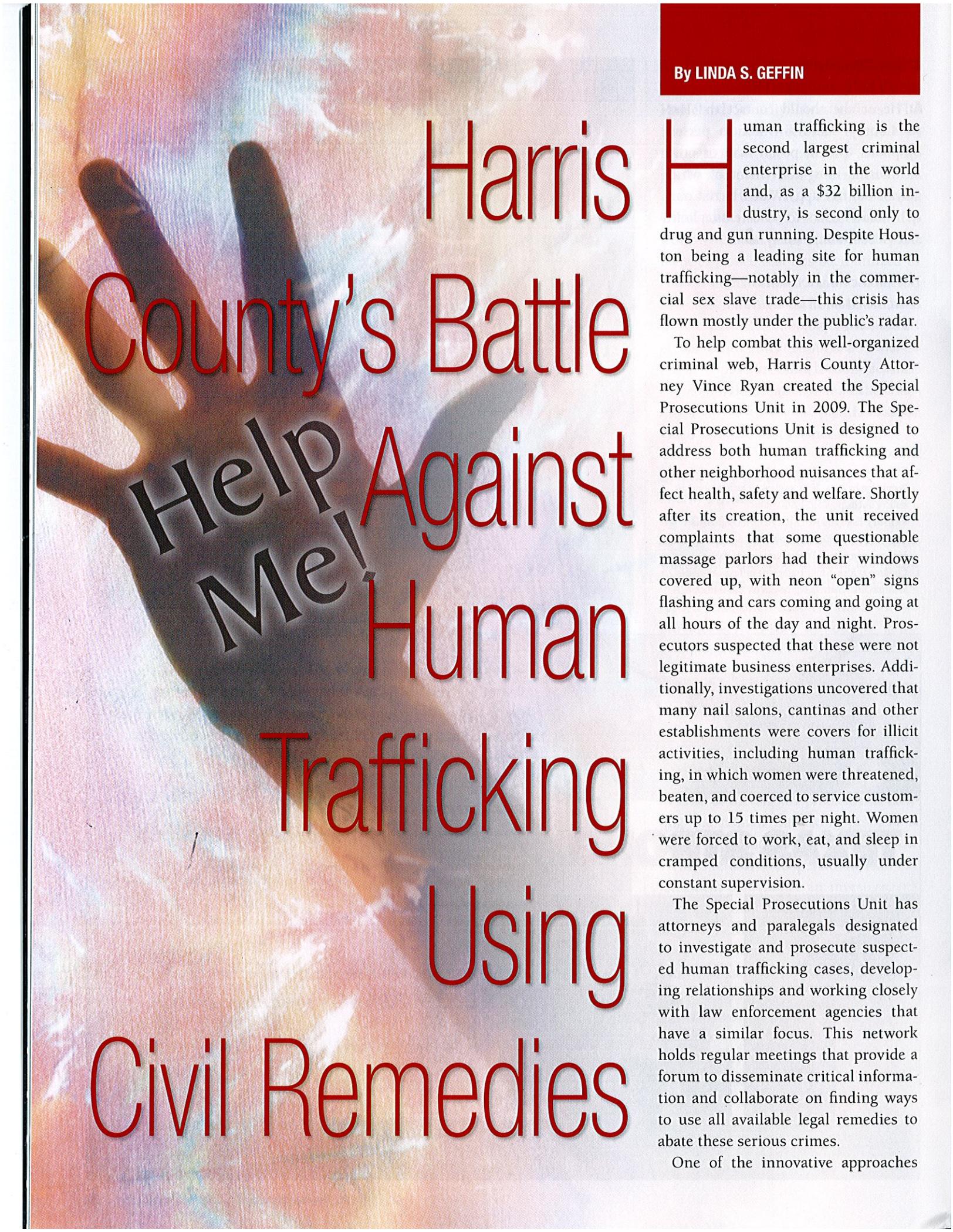


Human Trafficking  
In Houston

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By LINDA S. GEFFIN



# Harris County's Battle Against Human Trafficking Using Civil Remedies

Human trafficking is the second largest criminal enterprise in the world and, as a \$32 billion industry, is second only to drug and gun running. Despite Houston being a leading site for human trafficking—notably in the commercial sex slave trade—this crisis has flown mostly under the public's radar.

To help combat this well-organized criminal web, Harris County Attorney Vince Ryan created the Special Prosecutions Unit in 2009. The Special Prosecutions Unit is designed to address both human trafficking and other neighborhood nuisances that affect health, safety and welfare. Shortly after its creation, the unit received complaints that some questionable massage parlors had their windows covered up, with neon "open" signs flashing and cars coming and going at all hours of the day and night. Prosecutors suspected that these were not legitimate business enterprises. Additionally, investigations uncovered that many nail salons, cantinas and other establishments were covers for illicit activities, including human trafficking, in which women were threatened, beaten, and coerced to service customers up to 15 times per night. Women were forced to work, eat, and sleep in cramped conditions, usually under constant supervision.

The Special Prosecutions Unit has attorneys and paralegals designated to investigate and prosecute suspected human trafficking cases, developing relationships and working closely with law enforcement agencies that have a similar focus. This network holds regular meetings that provide a forum to disseminate critical information and collaborate on finding ways to use all available legal remedies to abate these serious crimes.

One of the innovative approaches

used by the Harris County Attorney's Office is filing public nuisance civil lawsuits. The process starts with a thorough investigation, drawing on the resources of all available law enforcement agencies. While police reports of the criminal activity are a given, that is just where the interagency cooperation begins. The Fire Marshal and Building Code inspectors go to the site to inspect the suspected premises. When applicable, prosecutors coordinate with the Texas Alcoholic Beverage Commission for enforcement of its regulations, as well as other agencies for Occupations Code and sign permit violations. While the criminal violations are the backbone of the County Attorney's legal petitions, these civil or administrative additional violations provide judges with sufficient evidence that these locations are not only hotbeds of criminal activity but also do, in fact, endanger the health, safety and welfare of the neighborhoods.

A lawsuit for injunctive relief is another effective tool to stop the proliferation of criminal enterprises that exploit the vulnerable in exchange for huge profits. Stopping the influx of cash flowing into the criminal enterprises by closing them down may help victims of human trafficking take the first steps toward freedom. Chapter 243 of the Texas Local Government Code gives municipalities and counties the authority to regulate sexually-oriented businesses. Section 243.010 gives specific authority for a municipality or county to file a lawsuit in district court for an injunction to prohibit the violation of any regulation adopted under this chapter.

Texas Civil Practice & Remedies Code Chapter 125 provides the framework for the abatement of common and public nuisances. A "common" nuisance is defined as a place where people continually go to engage in criminal activities such as gambling, prostitution, organized criminal activity, or to deliver a controlled sub-

stance. A "public" nuisance is defined as a place that is habitually used for criminal activities such as prostitution, the manufacture of obscene materials, gambling, or deviant sexual intercourse. By covering a variety of activities, the common and public nuisance statutes allow municipalities to thwart criminal activity and make the neighborhoods safe for all residents. The statute states that a person maintains a common nuisance if he or she maintains a place to which others habitually go for any of the twenty-two enumerated offenses, knowingly tolerates the activity, and fails to make reasonable attempts to abate the activity. The laundry list of offenses range from the reckless discharge of a firearm, drug use, engaging in organized criminal activity, assault, sexual assault, and all the way up to capital murder. Notably, during the 2009 Texas legislative session, the legislature added unlicensed massage service as a violation of the Occupations Code. In 2011, the statute was enhanced to include employing a minor at a sexually-oriented business and trafficking of persons.

Because most enterprises engaging in criminal activities are merely tenants of the premises, the County Attorney's Office has also found it effective to notify property owners and others with a financial stake in the property of the suspected criminal activities occurring on site. These letters provide the legally-mandated notice and frequently open dialogue between property owners and the investigating law enforcement officers. While own-

ers often evict the bad actors and clean up the strip center, equally often they just re-lease the premises to another tenant pursuing criminal activities.

Other locations are best addressed by immediately filing a court petition that details the criminal activity taking place at the location. It is essential to allege in the petition that the defendant has knowingly tolerated the criminal activity to habitually occur and has failed to make reasonable attempts to abate the activity. A carefully

crafted petition must also allege that unless the court enjoins the defendant to cease and abate the activity, the citizens will suffer irreparable harm and that there is no other remedy at law.

If the lawsuit is filed *in rem*, a judgment *in rem* may be entered against the property as well as a judgment against the defendant. The judgment must order that the place where the nuisance exists be closed for one year after the date of judgment and can also order a significant fine.

Many citizens are surprised to learn of the varied arsenal used by the Harris County's Attorney's Office and law enforcement authorities. We try to think "out of the box" and use criminal laws, as well as all civil remedies at our disposal, to shut down human trafficking locations and make a real impact in the fight against modern day slavery. 

*Linda S. Geffin is a Senior Assistant County Attorney with Harris County Attorney Vince Ryan's office using civil remedies to enhance the health, safety and welfare of the citizens of Harris County.*

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