



# Freedom Network USA

January 25, 2017

Ambassador Susan Coppedge  
U.S. Department of State  
Office to Monitor and Combat Trafficking in Persons  
[tipreportUS@state.gov](mailto:tipreportUS@state.gov)  
VIA EMAIL

Re: Input for the Department of State 2017 Trafficking in Persons Report

Ambassador Coppedge:

Freedom Network USA applauds the continued commitment of the United States government to improve upon its efforts to address human trafficking here and abroad. We are pleased that an assessment of anti-trafficking efforts in the United States will continued to be incorporated into the 2017 Trafficking in Persons (TIP) Report.

The Freedom Network USA (FNUSA), established in 2001, is a coalition of 53 non-governmental organizations and individuals that provide services to, and advocate for the rights of, trafficking survivors in the United States. Since the enactment of the Trafficking Victims Protection Act of 2000 (TVPA), FNUSA members have worked closely with trafficked people to ensure that they receive the full array of legal and social services needed and are engaged in ensuring effective implementation of the law. FNUSA members include prosecutors who have criminally prosecuted sex and labor trafficking cases, civil attorneys who have brought cutting-edge lawsuits against traffickers, criminal attorneys who have filed vacatur petitions for victims, represented victims wrongly charged with a crime, and filed for restitution against traffickers, immigration attorneys who have represented hundreds of individuals granted T visas and U visas, and social service providers who have assisted hundreds of survivors, both US citizens and foreign nationals, minors and adults, females and males. Learn more about our history, experience, the survivor we work with, and our members at [www.freedomnetworkusa.org](http://www.freedomnetworkusa.org).

We write to offer information about the successes as well as challenges facing the US government in our shared mission to address human trafficking.

## I. Highlighting Trends, Overall Issues, and Recommendations

### ***Failure to Systemically Address Labor Trafficking***

Seventeen years after the TVPA became law, there is no systematic effort to identify and address labor trafficking in the US, and no government agencies or institutions that engage in comprehensive and wide-spread outreach, education and investigation of the most egregious forms of labor exploitation. Agencies such as DOL and the EEOC have engaged in small scale operations and provided some training and support for their staff. These efforts are hampered, though, by their limited legal authority and insufficient funding. Local and state law enforcement are uncertain of their authority, and have no existing structure for workplace enforcement through which they can identify labor trafficking. While occasional labor trafficking prosecutions are successful, the US has failed in its efforts to address all forms of trafficking.

### ***Promising Practice in Addressing Labor Trafficking***

FNUSA member CIW's Fair Food Program (FFP) is a promising practice in addressing labor trafficking. FFP has uncovered labor trafficking, fraud in recruitment, visa fraud and related violations during their routine audits. One case identified at a participating FFP farm was referred to the United States Attorney's Office for the S.D. Florida. Within weeks, a father and son were arrested and later indicted on forced labor and related charges. Both have pleaded guilty - father to conspiracy to commit forced labor and son to immigration charges, with restitution included.<sup>1</sup> The success of the FFP relies on a multipronged approach, in partnership with NGOs, including education of workers, safe reporting avenues, financial benefits for partnering businesses and audits to ensure compliance. This demonstrates the scope of partnerships that are necessary in order to hold perpetrators accountable. FNUSA recommends that the US Government support the replication of the FFP in additional industries and geographical locations.

### ***Comprehensive Approach Needed***

The success of the FFP also highlights the limits of a solely criminal justice system-focused solution. While law enforcement and prosecution are critical enforcement mechanisms, community education and the creation of positive market forces are equally important. In FFP fields, workers learn their rights, are fairly paid and can report concerns without fear of reprisal; while employers gain access to committed buyers and can advertise products that are free of slave labor. In contrast, the US Government approach to human trafficking has been overly focused on criminal justice interventions, while few resources have been devoted to educating youth and adults and ensuring they have access to fair wages and living conditions. This limited approach is especially concerning with respect to sex trafficking. We know that many youth and adults are engaged in commercial sex for reasons more complex than the designs of a trafficker. Both youth and adults engaged in consensual sex work need resources and support in avoiding

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<sup>1</sup> Two Mexican Nationals Sentenced to Prison for Participating in Forced Labor Scheme, <https://www.justice.gov/usao-sdfl/pr/two-mexican-nationals-sentenced-prison-participating-forced-labor-scheme-0> [last visited January 24, 2017].

homelessness, protection from abuse, and safe alternatives. FNUSA urges the US Government to more comprehensively address the conditions of vulnerable populations to prevent labor and sex trafficking.

## II. Changes in Policies and Laws that Affect Anti-Trafficking Efforts

FNUSA commends the federal government for making a number of positive changes in laws and policies.

- ✓ In January, President Obama signed a bill eliminating the **consumptive demand exemption** on imports, thereby strengthening US Customs and Border Patrol's ability to prevent goods made with forced labor from entering the country.
- ✓ The Department of Homeland Security also responded to feedback from survivors and advocates by updating the rules on **Continued Presence** to allow for a two year interim status. This move, which reflects the DHS' commitment to a victim-centered approach, will also reduce that administrative burden on Special Agents who will no longer have to complete as many renewal applications in order to ensure a survivor's presence for investigative purposes.
- ✓ The Department of Justice's Office for Victims of Crime (OVC) updated its **VOCA regulations** to encourage and support spending on services for human trafficking victim services.

### **Remedies for Victims with Criminal Records**

FNUSA notes with encouragement the growing effort to provide remedies to trafficking survivors who have criminal records as a result of their victimization. 36 states now provide some type of relief designed for trafficking victims with criminal convictions.<sup>2</sup> OVC has funded the American Bar Association's Survivor Reentry Project to increase access to these protections. The Trafficking Survivors Relief Act, introduced in 2016, would allow survivors to vacate federal convictions stemming from their trafficking experience. FNUSA urges the federal, state, local and tribal agencies to continue to adopt victim-centered laws and policies that discourage the arrest of victims, increase access to services and reduce vulnerabilities to victimization

### **Increasing State and Local Resources**

States continue to expand their legal protections and resources for trafficking victims. Notably, Illinois passed SB3007, to provide state-funded public assistance (food, healthcare, and cash) to undocumented survivors of trafficking during the critical period between identification and receipt of immigration status. However, most state protections and resources focus solely on sex trafficking and miss the opportunity to extend protections for victims of both labor and sex trafficking. FNUSA urges policy and legal improvements to be as broad as possible to address

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<sup>2</sup> See map of states that provide for vacatur or sealing of trafficking related convictions provided by the ABA's Survivor Reentry Project, [http://www.americanbar.org/groups/human\\_rights/projects/task\\_force\\_human\\_trafficking/survivor-reentry-project.html](http://www.americanbar.org/groups/human_rights/projects/task_force_human_trafficking/survivor-reentry-project.html) [last visited January 24, 2017].

the full spectrum of human trafficking and ensure that all victims have access to services and support.

### III. Implementation of Existing Laws and Procedures

#### ***Failure to Address Root Causes and Criminalization of Victims***

While the US has passed and issued a host of legislation, policies, and regulations that aim to address all forms of human trafficking, implementation continues to be uneven, lacking in several critical areas. States continue to criminalize trafficking victims, including youth, which undermines their ability to address both labor and sex trafficking and further traumatize these survivors. FNUSA notes, for example, that most states retain criminal penalties for youth engaged in prostitution, even though such youth are defined as trafficking victims under federal law. Labor laws continue to include exemptions for the agricultural sector, family businesses, and children which undermine the ability to address labor trafficking. Immigration laws continue to create routes for traffickers to control foreign national workers including lack of portability of work-related visas, increasing use of temporary worker visas, and lack of oversight of labor brokers.

#### ***Failure to Address Youth Labor Trafficking***

The ***Preventing Sex Trafficking and Strengthening Families Act*** implementation has led to improvements and also some concerns. Its mandates regarding improving the ability of foster care and adoption services to identify victims of sex trafficking have resulted in a greater identification of survivors of child sex trafficking and referrals to FNUSA members. However, the Department of Health and Human Services failed to include labor trafficking in the new reporting requirements, leaving labor trafficking unacknowledged and youth victims unsupported. FNUSA recommends that all US Government agencies include both labor and sex trafficking in all programs and activities, unless doing so would be manifestly impractical or illogical.

#### ***Justice for Victims of Trafficking Act***

In December 2015, President Obama appointed a diverse group of 11 human trafficking survivors to the ***US Advisory Council on Human Trafficking***. The Council provides a critical mechanism for survivors to advise the US Government on human trafficking policies, procedures and programs. In 2016 the Council released its first Annual Report,<sup>3</sup> detailing five recommendations for improving US efforts to combat trafficking. FNUSA applauds the work of the Council, and urges the government to take seriously the recommendations set forth in the report. Unfortunately, this important milestone and the ongoing efficacy and sustainability is at risk due to the failure to include funding to staff and support the Advisory Council, as noted by the Council in its report. FNUSA encourages the government to provide this necessary support so that the Council can fulfill its mandate.

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<sup>3</sup> US Advisory Council on Human Trafficking Annual Report 2016, <https://www.state.gov/documents/organization/263434.pdf> [last visited January 24, 2017].

The implementation of the **Domestic Trafficking Victims' Fund** has been less effective. The Fund has failed to grow as projected by its supporters, accruing a total of only \$102,000 as of June 2016. Advocates, including FNUSA, did not support the creation of the Fund. We remain concerned that the creation of crime-specific funds silos victims and services instead of supporting increased collaboration and coordination of existing victim outreach and services programs. While FNUSA applauds Congress's acknowledgement of the need for increased funding for trafficking survivors, Congress should, instead, continue to provide additional funding for all victim services programs through the Crime Victims Fund and support OVC's efforts to support states which provide expanded access to services and crime victim compensation for trafficking victims.

It is unclear if the JVTAs' requirement to provide increased training for judges and federal prosecutors on the TVPA's **mandatory restitution** has been fully implemented. Although the Attorney General's Annual Trafficking in Persons Report for FY2015<sup>4</sup> (the most recent available report) includes a list of all federal human trafficking restitution orders, many of the federal cases described elsewhere in the report are not included and there is no list of cases in which restitution was not ordered. Therefore, it seems that many sentences continue to lack restitution orders.

### **Trafficking Victims Protection Act (TVPA)**

The TVPA expanded federal criminal law to enable the prosecution of trafficking which involved **non-violent coercion** and to address evolving forms of servitude, particularly in labor trafficking cases. Despite this foundation, FNUSA members report few prosecutions of non-violent coercion cases. The US Department of Justice (DOJ) should use the tools provided by Congress and vigorously investigate and prosecute cases where non-violent means of coercion are used in sex and labor trafficking cases. We recommend that the US government provide an analysis of the types of trafficking cases that are being investigated and prosecuted at the federal, state, tribal and local levels in the 2017 TIP Report.

Updated regulations for the **T Visa** were finally published by US Citizen and Immigration Services (USCIS) on December 19, 2016.<sup>5</sup> This Interim Rule updates the regulations published in January 2002, and includes critical changes made to the TVPA through various reauthorizations. FNUSA commends USCIS for publishing this long overdue update and urges USCIS to carefully consider the comments that they receive in response to ensure that the regulations are clear, accurate, and fully reflect Congress' intent to provide protection and support to survivors of human trafficking.

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<sup>4</sup> Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons FY 2015, <https://www.justice.gov/ag/file/870826/download> [last visited January 24, 2017].

<sup>5</sup> Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for "T" Nonimmigrant Status, <https://www.gpo.gov/fdsys/pkg/FR-2016-12-19/pdf/2016-29900.pdf> [last visited January 24, 2017].

#### IV. Services for Survivors

FNUSA commends the US Government for increased spending on services for survivors of human trafficking. However, we believe that the ***funds need to be spent more strategically*** to ensure equitable distribution of services funding across the US, provide capacity building support to newer and smaller organizations, provide community capacity building support to communities that are just developing their response to human trafficking, and ensure equal access to services for all victims of human trafficking (regardless of their nationality, gender identity, sexual orientation, age and abilities). FNUSA provided the ***attached recommendations*** to OVC and the Department of Health and Human Services Office of Trafficking in Persons (OTIP) in 2016.

FNUSA is encouraged by the ***increased level of communication between OVC and OTIP***, the federal agencies that oversee the primary sources of federal funding for human trafficking survivors in the US. FNUSA believes that increased partnership can assist OVC and OTIP in helping to improve access for survivors by designing complementary grant programs, including funding for direct services, training and technical assistance, and capacity building to address underserved communities and localities.

FNUSA commends the Department of Housing and Urban Development (HUD) and the Administration for Children and Families (ACF) for developing a new partnership and pilot program with the Chicago Housing Authority.<sup>6</sup> This pilot will test the use of a ***Housing First model for survivors of human trafficking***, offering vouchers for 60 individuals over the next three years. This seeks to address the lack of housing options for survivors who often face housing instability upon leaving their trafficking situation, or see housing as a barrier to leaving at all.

FNUSA commends ***OVC's new grant programs to provide training and technical assistance*** related to legal services for survivors of human trafficking. In FY16, FNUSA member Coalition to Abolish Slavery and Trafficking received a grant to provide training and technical assistance to lawyers providing a variety of civil legal services to survivors. Additionally, OVC has funded the ABA's Survivor Reentry Project to provide training and technical assistance to increase access to remedies for survivors with criminal records resulting from their victimization.

#### ***Government Support for Victims Returning to Home Countries***

Overall, the US government provides the critical support needed for trafficking survivors who choose to return to their home countries. The International Organization for Migration project supports trafficking survivors in traveling and resettling in their home countries. IOM also assists family members traveling to the US to reunify with trafficking survivors who choose to

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<sup>6</sup> CHA Launches Program for Survivors of Human Trafficking, <https://www.wbez.org/shows/wbez-news/cha-launches-program-for-survivors-of-human-trafficking/197b8e1e-0f69-4428-acda-071c21795073> [last visited January 24, 2017].

remain in the US, to navigate the often complex administrative requirements for obtaining a passport and travel documents. Generally, the US government does not forcibly repatriate victims once they have self-identified as a trafficking victim. However, the US government does not sufficiently screen migrants in detention facilities and does not provide legal representation to all migrants prior to their deportation, thus not all victims are identified prior to deportation or refusal of entry.

## **V. Enforcement of Anti-Trafficking Laws and Prosecution Efforts**

### ***Multi-Disciplinary Partnership Required***

FNUSA believes that effective criminal enforcement is a critical component of the US Government's comprehensive approach to human trafficking. FNUSA believes that law enforcement actions are most effective, however, when they are implemented in partnership with local service providers to ensure that victims are provided with comprehensive, independent support. While the US has made great progress in implementing a collaborative approach, there are many gaps that remain, which undercut the effectiveness of the law enforcement response.

### ***Multi-Disciplinary Partnership Required Prior to Enforcement***

FNUSA notes that many federal, state and local law enforcement agencies partner with service providers to plan and execute enforcement actions likely to result in victim identification. When law enforcement agencies include service providers in the planning, the providers are able to ensure appropriate staff (including legal providers, social service providers and interpreters) and services (including emergency housing, medical care, clothing, food and child care) are available immediately to survivors. When partners are not included in law enforcement actions, survivors are further traumatized by apprehension by law enforcement and law enforcement agents are diverted from critical investigative tasks to respond to the needs of victims. This increased trauma often reinforces the distrust of law enforcement that traffickers have instilled in their victims, making it less likely that the victims will be willing and able to disclose the full extent of their victimization and participate actively in the investigation and prosecution of the traffickers. Ineffective enforcement actions fail to identify and protect victims, and embolden traffickers who are not convicted of their crimes.

### ***Operation Cross Country***

FNUSA notes that Operation Cross Country (OCC), the annual enforcement action organized by the FBI in order to identify victims of child sex trafficking,<sup>7</sup> is an example of a law enforcement operation that fails to fully implement an effective strategy to protect victims and apprehend traffickers. First, on its own website, the FBI conflates the issue of sex trafficking and prostitution. "Operation Cross Country, a nationwide law enforcement action that took place last week and focused on underage victims of prostitution, has concluded with the recovery of

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<sup>7</sup> <https://www.fbi.gov/news/stories/operation-cross-country> [last visited January 25, 2017].

149 sexually exploited children and the arrests of more than 150 pimps and other individuals.”<sup>8</sup> Second, advocates note that OCC actually results in the arrest of far more sex workers than traffickers.<sup>9</sup> FNUSA notes that both adult and minor sex trafficking victims may well be caught up in those sex worker arrests, but that arresting them is unlikely to assist them in accessing services, support or protection from service providers or law enforcement. Instead, the criminal record will certainly leave them ineligible for many forms of public benefits including financial aid for higher education and unable to pass the background checks required by many public and private employers and landlords. Without access to support, protection, education, housing or legal employment, these men and women are even more vulnerable to exploitation and trafficking.

### ***Comprehensive, Independent Victim Services are Critical***

Additionally, while FNUSA supports the FBI’s inclusion of, “[m]ore than 100 victim specialists” in the operation and that, “[a]ll of the recovered U.S. minors were offered services.”<sup>10</sup> We highly recommend that all FBI offices partner with local social service providers *in advance* of any law enforcement actions. FNUSA’s members are located throughout the US<sup>11</sup> and report that while some FBI Field Offices partner with local providers, others do not. The FBI’s Office for Victim Assistance is not designed to provide long term, comprehensive social and legal services for crime victims, nor should it be. Crime victims need, and deserve, to work with an independent service provider whose sole interest is in supporting the victim. Additionally, it is concerning that the FBI seems to be limiting victim services to minors (although the data shows that many adult sex workers were also identified) and perhaps even to U.S. citizen minors (it is unclear if foreign national minors were identified and, if so, what services and support they were offered).

### ***Arresting Sex Workers Harms Trafficking Victims***

FNUSA is strongly opposed to the practice of arresting sex workers in the name of addressing sex trafficking. Arrest is traumatizing and even well intentioned law enforcement officers are unable to determine the exact circumstances of sex workers in the context of a raid. FNUSA knows from our direct services experience that sex trafficking victims are adults and minors, U.S. citizens and foreign nationals, of all gender identities. As noted above, these criminal records create additional barriers for consensual sex workers as well as trafficking victims, creating increased vulnerability to trafficking instead of reducing trafficking. Some jurisdictions

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<sup>8</sup> <https://www.fbi.gov/news/stories/operation-cross-country> [last visited January 25, 2017].

<sup>9</sup> Operation Cross Country X: Everything You Need to Know About the FBI’s Annual ‘Underage Human Trafficking Sting in One Chart’ <http://reason.com/blog/2016/10/25/operation-cross-country-x-in-one-chart> [last visited January 25, 2017]. Is Operation Cross Country the Best Way to Fight Child Sex Trafficking? [http://www.huffingtonpost.com/katherine-koster/is-operation-cross-country-the-best-way-to-fight-child-sex-trafficking\\_b\\_8307634.html](http://www.huffingtonpost.com/katherine-koster/is-operation-cross-country-the-best-way-to-fight-child-sex-trafficking_b_8307634.html) [last visited January 25, 2017].

<sup>10</sup> <https://www.fbi.gov/news/stories/operation-cross-country> [last visited January 25, 2017].

<sup>11</sup> A complete list of current FNUSA members is available at <https://freedomnetworkusa.org/current-members/>.

go so far as to publish the names and mugshots of sex workers arrested, creating additional barriers of shame and decreasing their options for finding safe housing and employment. Those who are escaping domestic violence or past human trafficking are at increased risk of being found and further abused. FNUSA recommends that the US Government immediately ban the use of these dangerous and ineffective practices by all federal law enforcement agencies. The US Government should also add special conditions to all grants to bar the use of federal funds for the arrest of potential trafficking victims.

### ***Indiscriminate Massage Parlor Raids Do Not Protect Trafficking Victims***

FNUSA notes a recent, related practice of indiscriminate raids on sexually oriented businesses in the name of addressing sex trafficking. Lately, many FNUSA members note that local law enforcement are targeting massage business, mainly those with owners and workers of Asian descent. These efforts are based on assumptions and conflation, and not based in evidence of actual trafficking. While FNUSA acknowledges that trafficking occurs within massage businesses, as it does in many industries, not all of those engaged in commercial sex at such establishments are trafficking victims. In New York City, for example, FNUSA members report that out of over 100 raids, only a very small number of trafficking victims have been identified. Instead, the workers have been arrested and many have fled to another state or been driven further underground. As described above, this only increases the likelihood of future exploitation. Law enforcement should, instead, focus their valuable resources towards victim-centered investigations to identify where trafficking is occurring rather than engaging in widespread raids. Once trafficking is suspected or identified at a specific location, the law enforcement agency should plan a targeted enforcement action that is planned in collaboration with a local service provider.

### ***Access to Continued Presence Remains Limited***

Continued Presence (CP) is a critical tool for supporting trafficking survivors during the investigation of human trafficking cases involving foreign nationals. CP provides temporary legal status and employment authorization, as well as access to federally-funded services, so that trafficking survivors are available to assist in investigations and begin to rebuild their lives without becoming vulnerable to being re-trafficked. However, implementation continues to be woefully inadequate. FNUSA commends the Blue Campaign's efforts to identify and address challenges in access CP in 2016, but urges DHS to continue and expand these efforts until the number of CP grants more closely resembles the number of T Visa grants.

### ***Uneven Support for Survivors of Sex and Labor Trafficking***

Some FNUSA members report that it is often easier to obtain CP for a sex trafficking survivor than for a labor trafficking survivor from specific law enforcement partners, even when the traffickers use nearly identical methods to obtain and maintain control over the victims. This inconsistency is of great concern for FNUSA members, who also report that access to CP seems to depend largely on the individual agent involved.

***Delays in Accessing CP***

Other members report long delays before law enforcement partners will begin the application process, and in some circumstances law enforcement pursuing Deferred Action in lieu of CP “because it’s faster.” This is in direct contravention of DHS policy. FNUSA urges federal law enforcement agencies to request CP for all survivors at the outset of a human trafficking investigation. This ensures that survivors will have immediate access to lawful employment and benefits programs, such as access to ongoing medical care, food, and housing, as they assist with law enforcement investigations. Stable and safe survivors are essential to a robust investigation and proper prosecution.

Thank you for your time and attention to these matters. Please contact me ([jean@freedomnetworkusa.org](mailto:jean@freedomnetworkusa.org)) if you have any questions or need further information.

Sincerely,

A handwritten signature in black ink that reads "Jean Bruggeman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jean Bruggeman  
Executive Director  
Freedom Network USA

Attachment: FNUSA 2016 Funding Recommendations

# FREEDOM NETWORK USA

September 19, 2016

Joye Frost  
Director, Office for Victims of Crime  
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Katherine Chon  
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VIA EMAIL

## **RE: 2016 Human Trafficking Funding Recommendations**

Director Frost and Director Chon:

As you know, your offices provide critical funding for human trafficking survivors. These services are life-saving for clients fleeing exploitation, and allow survivors to build a safe future for themselves and their families. Unfortunately, the funding can also be confusing, contradictory, and insufficient. We appreciate the dedication of your offices in administering these funds so effectively in the past. We will continue to advocate for increased levels of funding to meet the growing awareness of human trafficking and concomitant increase in identification of survivors. We believe that the growing needs must be met, not just by more funding, but also some new and redirected funding.

Freedom Network USA is the nation's largest coalition of service providers and advocates working directly with human trafficking survivors. We are committed to the human rights based approach to human trafficking, which places a trafficked person's priorities and narrative at the center of anti-trafficking work. The model relies on voluntary, non-judgmental assistance with an emphasis on self-determination to best meet an individual's short and long-term needs. This approach allows the trafficking survivor to accept or decline assistance, to receive culturally competent services in a language she or he can understand, to have access to the full array of medical care including reproductive health care, to decide whether or not to report the crime to law enforcement, to exercise victim rights, to sue the trafficker, and to participate in anti-trafficking leadership efforts if she or he chooses.

We envision a coordinated national system in which appropriate and effective high-quality services are available to any survivor, anywhere, anytime—regardless of legal status, geographic location, age, gender, sexual orientation, or type of trafficking experienced; that those services will be flexible to meet the unique needs of each survivor; that barriers to access will be low; that financial assistance will be available; and that the length of support will enable survivors to achieve programmatic and personal goals such that they can move forward safely, autonomously, and with an understanding of their rights.

On behalf of our 38 members across the US, I respectfully submit the following recommendations for your consideration as you engage in your program planning in the coming months and years:

**1. Increase Coordination of Funding from OVC and OTIP**

Currently there are extreme differences between the program guidelines being issued by OVC and OTIP. For clients, this can be extremely confusing and distressing when the level and type of services provided changes dramatically when they, for example, achieve Certification or move to a different city or state. Additionally, it is problematic when Rescue and Restore Coalition awards are made in areas with insufficient service delivery funds, resulting in increased outreach and identification of victims without the ability to meet the needs of those victims. Where possible, we strongly recommend that OVC and OTIP work together to develop program guidance to make services consistent and to integrate outreach and education with service delivery.

**2. Ensure Client-Centered Program Requirements and Guidance, in Accordance with the Federal Strategic Action Plan**

The Federal Strategic Action Plan lays out the government's commitment to develop a client-centered approach to addressing human trafficking in all federal efforts. OVC and OTIP can and should take the lead in demonstrating trauma-informed, client-centered programs. We believe that some of the critical elements include: flexibility in the intensity and length of service provision, low barrier program entry, support for both direct victims and their immediate family members, comprehensive services that include sufficient funding for social and legal services, appropriate service provider staffing and training, and demonstrated language access policies. As you know, some clients need only brief services while others have intense needs that may last for over a year. Strict service time and budget limits do not allow programs to design a service plan that is actually responsive to the needs and interests of the client.

**3. OTIP Should Redesign and Realign Grant Programs**

The **Rescue and Restore Coalition Program** is an important resource for areas that do not yet have service providers addressing human trafficking, and should be time limited to support the initial development of that capacity. We recommend a maximum of approximately 5 years, perhaps an original 3 year award with an optional 2 year continuation award. We believe that the Rescue and Restore funds should provide needed capacity building and training to support areas that are beginning to develop their awareness of human trafficking and the capacity of providers to serve this population. The grant should also include coaching for success in applying for services grants, which include support for ongoing outreach and training, at the end of the Rescue and Restore grant.

The **Trafficking Victims Assistance Program (TVAP)** per capita approach is appropriate only where there are no specialized human trafficking programs, as it does not develop capacity for comprehensive outreach and services. Longer term grants (of at least 3 years) allow for the development of more sustainable programs because organizations are able to hire full-time staff, and provide them with the training needed, to ensure a high standard of service provision. We recommend that OTIP return to their previous approach of funding both longer-term grants in areas that have documented client service needs, and a smaller,

nation-wide per capita program to provide a flexible response to meet gaps in service provision. The per capita approach, however, must have strong mentoring included to ensure that providers have the support they need to appropriately serve this new population. We recommend a regional approach, either through sub-grants or one award per region, to ensure the grantee is able to identify and support the most appropriate providers in the region, and to provide mentoring and support to ensure effective service delivery (including in-person support when needed).

#### **4. Consider variable funding levels to more equitably distribute funds**

We recognize that the current appropriations are simply insufficient to meet the needs of all trafficking survivors in the US. We also know that survivors are more likely to be identified (although not necessarily more likely to be trafficked) in urban areas with a concentration of service providers, law enforcement and community members that have received training to identify human trafficking. However, we also note that needs exist in all states and that limited grant funds must be divided as equitably as possible. We recommend that OVC and OTIP integrate a varied funding level to reflect the varied needs, granting a minimum of \$50,000 per year or \$100,000 per award to new programs without a history of service provision and to established programs with smaller caseloads; and up to \$500,000 per year to Comprehensive Services programs with a demonstrated history of serving a large number of survivors (which should include a preference for proposals that include sub-grants to ensure the availability of specialized services). We believe that grant funds will allow these smaller programs to develop effective, sustainable programs, and to provide the ongoing outreach and training that is likely to result in increased client numbers over time. Future grant awards should reflect that growth.

#### **5. Ensure Balanced Support of All Trafficking Survivors**

Survivors of labor and sex trafficking, US Citizen and non-citizen, adults and youth, of all genders and ages need services and support. While we do not support a strict rationing or separation of services or funding by demographic (which creates artificial separations and distinctions) we do believe that it is critically important for OVC and OTIP to ensure that holistic programs exist across the US that do not exclude trafficking survivors on the basis of the type of trafficking or the gender, citizenship status or age of the survivor. We urge OTIP to consider integrating funding and services for US Citizens and non-citizens and are eager to work with you to envision a new funding method that complies with the law but does not segregate survivors.

#### **6. Collaborate to fund National Resource Centers**

As you are aware, new providers are emerging, and existing programs are expanding their services to better serve trafficking victims, but there is a limited amount of support to ensure that they are able to grow their programs responsibly and that they are using best practices. While many of these programs are effective and appropriate, many need intensive capacity-building, training and mentoring to develop their programs. A National Resource Center on Human Trafficking Services is a critical investment in proactive training and technical assistance, but it must be survivor-informed and field-driven to ensure that it meets the needs of direct service providers. Funding for at least one resource center should be established, potentially several to include specialized centers that address the needs of immigrants, youth,

LGBTQ, American Indians and Alaska Natives, or other populations that have unique needs and concerns. The resource center could be asked to develop survivor-informed, field-driven standards of care which could be integrated into the client services grant program requirements. The resource center could also be asked to create guidance on program evaluation that could be integrated into future grant funding awards. Standard evaluation metrics could provide federal agencies with a better understanding of the impact of their funding and emerging best practices. A field-driven resource center would have strong connections with direct service providers, staff with experience in providing direct services and program development, and an understanding of federal grant funding which would enable the center to provide realistic recommendations and provide effective training and mentoring to service providers nation-wide.

### **7. Fostering a National Learning Community**

As part of OVC and OTIP's commitment to collaboration, federally funded service providers—both grantees and subgrantees—are best supported not only by receiving support from their funders, but from each other. We recommend annual meetings for all federally funded service providers during which successes, best practices, and innovations can be shared; challenges can be deeply explored; priorities and changes can be communicated; and connections among providers can be made. We also recommend improved coordination between OVC and OTIP so that training webinars created under one program are available to all service providers, which could be a function of the resource center, described above.

### **8. Research, Data and Evaluation**

We commend OVC and OTIP's commitment to research, data and evaluation. We encourage you to continue collaborating with NIJ to support research that has a real and immediate impact on the improved understanding of human trafficking and the delivery of effective, appropriate services. We also commend your shared commitment to data and analysis. We recommend that you continue to explore options to better align the data collection requirements for OVC and OTIP funds. When providers are collecting the same types of data for both programs, the process is easier for providers and the data analysis is more meaningful for the nation. We also recommend that you develop joint guidance on program evaluation to support grantees in engaging in meaning evaluation that is useful for both the grantees and the government—including community needs assessments, and both process and outcome evaluations.

### **9. Continue Evaluating the Enhanced Collaborative Model**

Funding for law enforcement efforts specific to human trafficking is primarily funded through BJA grants to local law enforcement agencies working in collaboration with OVC-funded service providers through the DOJ Enhanced Collaborative Model (ECM) grants. Additional training and technical assistance should be provided to ECM grantees to address challenges during the course of the grant, and evaluation should be conducted to assess the effectiveness of the ECM funding mechanism and to identify best practices in Task Force development and operation. All law enforcement funding should be conditioned upon ending the criminalization of trafficking victims, including evaluation mechanism to assess the resulting citations and charges. Law enforcement activities should be designed to identify traffickers **and** victims. Where they fail to do so, grant funds should be restricted.

Notably, Human Trafficking Intervention Courts and similar approaches, which by design rely on the arrest of the victim, should not be funded with victim services money and must be evaluated to determine their impact. Freedom Network USA feels strongly that survivors should never be ordered into services or face criminal penalties for actions resulting from their victimization. We also note, however, that many other federal law enforcement efforts have an impact on human trafficking, including OJJDP's Internet Crimes Against Children (ICAC), FBI's Operation Cross Country, and the DOJ/DOL/DHS Anti-Trafficking Coordination Teams or ACTeams. Better coordination and evaluation of the various law enforcement efforts is needed to ensure that best practices are encouraged and the criminalization of victims ends.

We look forward to discussing these recommendations with you and working collaboratively with OVC and OTIP as you work to further strengthen and expand your human trafficking victim services.

Sincerely,

A handwritten signature in black ink that reads "Jean Bruggeman". The signature is written in a cursive, flowing style with a long horizontal flourish at the end.

Jean Bruggeman  
Executive Director  
Freedom Network USA