



Freedom Network USA

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VIA EMAIL

RE: FY2021 Human Trafficking Funding Recommendations

Director Wolff:

Freedom Network USA commends OVC for providing critical funding for human trafficking service providers. These services are life-saving for survivors fleeing exploitation, and allow survivors to build a safe future for themselves and their families. We appreciate the dedication of your office 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. Unfortunately, the funding can also be confusing, contradictory, and insufficient. We believe that the growing needs require more funding, but also some new approaches.

Freedom Network USA is the nation's largest coalition of service providers and advocates working directly with human trafficking survivors in the US. We are committed to the human rights based approach to human trafficking, placing a trafficked person's priorities at the center of anti-trafficking work. We work to create 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.

On behalf of our 71 members across the US, I respectfully submit the following recommendations as you engage in your program planning in the coming months and years:

- 1. Ensure Coordinated, Client-Centered, Program Requirements and Guidance**
OVC should take the lead in supporting trauma-informed, client-centered, voluntary programs that 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.

Currently there are stark differences between the program guidelines issued by OVC and the Office on Trafficking in Persons at HHS (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.

As you know, some clients need only brief services while others have intense needs that may last for over a year. Due to widespread job losses, illness, and judicial delays (including delays in civil and criminal courts as well as immigration courts and service centers), survivors often need services for even longer and are returning to services after months or years of independence. The pandemic has exacerbated these issues, resulting in more intense service needs, for longer periods of time, and survivors returning for services after having previously exited services.

Therefore, FNUSA recommends:

- a. Develop joint OVC and OTIP guidance on minimum standards for service provision (often referred to as Standards of Care) that are required for all recipients of federal funding for human trafficking services. Deny funding to programs that fail to meet these minimum standards of trauma-informed, voluntary services. For more information, refer to FNUSA's, *Standards of Care for the US Anti-Trafficking Field*¹.
- b. Permanently remove limits on funding for criminal record relief legal representation in all OVC awards and ***remove any such limitations on open awards.***

2. Reconsider or Discontinue the Enhanced Collaborative Model

We commend OVC/OJP for providing additional training and technical assistance to Enhanced Collaborative Model (ECM) grantees and working to evolve and improve the model. FNUSA has worked with OVC leadership throughout the lifespan of the ECM, and were hopefully that supporting these types of law enforcement-service provider collaboration would build lasting partnerships that would increase identification of survivors and their access to services. However, after over a decade of funding, these outcomes remain elusive. As a reminder, the purpose of funding authorization that supports OJP's grantmaking is "to develop, expand, or strengthen victim service programs for victims of human trafficking." 22 USC 7105(b)(2). The funding authorization is not intended to support pure prevention or prosecution, especially where there are no survivors identified. Survivors, and the organizations working directly with survivors, are in the best position to determine which partners are most effectively identifying and supporting survivors. Grant programs must support the most effective partnerships, not a theoretical ideal that has not proven to be effective in the field.

What FNUSA has found, is that regardless of the intention and support provided, the ECMs are not operating as an integrated coalition. They are not identifying and serving the same survivors. They may have joint meetings and conduct some joint training and outreach, but they are not working together to identify trafficking survivors and

¹ Available at <https://freedomnetworkusa.org/app/uploads/2019/07/Freedom-Network-Standards-of-Care-White-Paper-July-2019.pdf>.

connect them to services. Some law enforcement agencies refuse to share information and resources with the service providers. Some law enforcement agencies engage in 'john' stings and internet operations designed to arrest sex buyers without ever identifying trafficking survivors or those abusing or exploiting actual humans. Service providers also report that survivors are arrested or threatened by arrest by ECM-funded law enforcement. Prosecutors in ECM Task Forces coerce the testimony of survivors by threatening prosecution or refusing to reduce sentencing recommendations. ECM Task Force members fail to apply for Continued Presence or to provide T Visa Supplement B Certifications for foreign national survivors. These operations are not accomplishing the objectives of the authorization, and are not effective investments and divert funds that could be used to better address the vast unmet needs of actual human trafficking survivors and the providers who are supporting them.

FNUSA, therefore, recommends that OVC/OJP discontinue the ECM grants.

If OVC/OJP continues the ECM, FNUSA including the following changes to the program:

- a. Include a Special Condition in all law enforcement grants that requires implementation of written policies and procedures to ensure that human trafficking survivors are not arrested or threatened with arrest and are not mandated into services by law enforcement or prosecutors.
- b. Include a Special Condition in all law enforcement grants that requires detailed reports of all citations and charges related to funded law enforcement activities. The reports should also explain how and when service provider partners were included in the planning and execution of all law enforcement activities. These reports should be reviewed by OJP to ensure that all strategies were designed to identify victims, victims were not charged or threatened with arrest, and that law enforcement are working in collaboration with their service provider partners.
- c. Include a requirement in the solicitation that all program elements work toward the goal of identifying and serving survivors of human trafficking. Note that activities designed solely to charge and/or prosecute cases with no victims are unallowable. Similarly, diversion courts and similar approaches that rely on the arrest of the victim in order to provide services, should not be unallowable. Only trauma-informed, voluntary services should be supported by OVC/OJP.
- d. All TTA for ECM grantees that is funded or provided by OJP for Task Forces should require that both presenters and attendees include both law enforcement and service providers. TTA should not be separately provided to law enforcement grantees.
- e. ECM grantees should be required to submit policies and procedures that ensure resource and information sharing between the law enforcement and service provider.
- f. ECM grantees should be required to submit policies and procedures that ensure law enforcement members fulfill their responsibility to file timely applications for Continued Presence and provide T Visa Supplement B Certifications for all eligible foreign national survivors.

3. Align and Coordinate Grant Programs

In order to provide comprehensive, victim-centered services, programs must engage in three separate activities.

- First, they must build collaborative, supportive relationships with diverse organizations in their communities (including health care providers, housing programs, educational institutions, and ethnic and community based organizations).
- Second, they must conduct outreach to identify trafficking survivors (both directly and in collaboration with partners). This is beyond billboards and pamphlets, but actually meeting with people put at risk of human trafficking to provide know your rights presentations and build trust.
- Third, they must provide, either in-house or through referrals, comprehensive legal and social services (including medical and mental health care, housing, education, and employment support).

We urge OVC to design its grant programs to ensure support for all three activities, recognizing that the funding needed, capacity of organizations, and sophistication of local networks differ across the US. Grant programs must be designed to both build capacity in underserved areas, and support ongoing service and outreach needs in population centers. Grant programs should also be aligned to ensure that services are available when community outreach is funded. Therefore, outreach proposals should include a plan for providing services to identified survivors through other funding sources or partnerships.

We recommend funding community collaboration grants to address these needs:

- a. Allow collaborative grants to develop comprehensive community collaborations that *do not include* law enforcement. Continue offering multiple tiers of funding.
- b. The first tier should focus on developing collaborations and building the capacity of their partners to address human trafficking. These awards should be for a longer period of time (approximately 5 years, perhaps an initial 3 year award with an optional non-competitive continuation award for programs that meet initial benchmarks of progress) to support this phase of initial development, and include targeted technical assistance and mentoring.
- c. The second tier, for applicants in communities with developed collaborations, would provide ongoing training for partners and community organizations, include significant direct outreach efforts designed to identify survivors, and provide comprehensive social and legal services through collaboration to all human trafficking survivors in a defined geographical area. These awards would be typical 3 year awards and applicants could continue to apply for awards.
- d. Require that all program elements work toward the goal of identifying and serving survivors of human trafficking. Outreach must be more than mere public education, it must be targeted to a specific community that has been put at increased risk of human trafficking, or developing partnerships with organizations that have deep and strong connections with these community members.

4. Vary Grant Award Levels to More Equitably Distribute Funds

We recognize that the current appropriations are simply insufficient to meet all of 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, that providing services in rural areas can be more expensive (per person) than in urban areas with public transportation and publicly financed services, and that limited grant funds must be divided as equitably as possible.

We commend OVC's integration of varied funding levels into their grant programs. Grants should give larger or more established programs the resources needed to support their large caseloads, and give smaller and newer programs the stability needed to build their expertise.

FNUSA strongly believes that the OTIP Trafficking Victims Assistance Program (TVAP) per capita approach is appropriate only where there are no established human trafficking programs, as it does not generally develop capacity for comprehensive outreach and services. Grants develop 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 applaud OVC for its ongoing commitment to multi-year grant funding.

Additionally, grants must be designed to allow large programs to seek multiple federal grants. We commend OVC's more flexible requirements in the FY20 services grants that do not require programs to provide comprehensive services to all survivors in a service area. We encourage OVC to require applicants to clearly identify the population that will be served and the services that will be provided.

Additionally, program guidance must allow providers to use other sources of funds to fill remaining gaps. The current program guidance that strictly limits enrollment of foreign national clients in either the OVC or OTIP grants based on their Certification status does not take into account caseload limitations, fluctuating needs, and program limitations. If OTIP continues to rely on the TVAP per capita model for all foreign national survivors, there should be additional flexibility to meet client load surges in OVC funded programs, especially those funded under current limits.

We recommend the following changes to the OVC grant programs to address these needs:

- a. Grant award amounts should be tiered, providing less funding to new and small programs. An appropriate amount would be \$50-\$200K annually. This provides the stability a program needs to develop, without the federal government making a large investment in an unproven organization or giving unnecessarily large grants to programs that provide vital services to a small number of people.
- b. Larger and more established organizations should be eligible for larger grant awards. An appropriate amount would be \$300-\$500 annually. This supports a large

program that can demonstrate consistently providing effective, trauma-informed, voluntary services for a significant number of survivors for at least 5 years.

- c. The largest organizations should be eligible for the largest grant awards. An appropriate amount would be \$600-\$800 annually. This supports a large program that can demonstrate consistently providing effective, trauma-informed, voluntary services for a large number of survivors for at least 5 years.
- d. Programs should be required to specify the service area, list of services to be provided, and number of survivors to be served annually. This information will be used to ensure programs receive proportionate funding, allow partners in the same area to distinguish their services, and increase accountability. This also allows programs to seek complementary funding from multiple funding sources to support comprehensive services for diverse populations, large caseloads, or multiple service areas.

5. Ensure Support of All Trafficking Survivors

Survivors of labor and sex trafficking, US Citizen and non-citizen, adults and youth, of all gender and sexual identities and ages need services and support. We believe that it is critically important for OVC to ensure that holistic programs exist across the US that serve all trafficking survivors regardless of the type of trafficking, gender identity, citizenship status or age of the survivor. We also recognize that specialized programs offer unique expertise and experience that compliment broader programs.

We recommend the following changes to the OVC grant programs to address these needs:

- a. We urge OVC to consider population served in making grant awards. Priority should be given to programs that serve men and boys, labor trafficking survivors, and LGBTQIA populations.
- b. OVC should track the target population, as described by the applicant, and review to ensure that all grant making is diverse.

6. Fund a Field-Driven National Resource Center

As new providers emerge, and existing programs expand their services, there is limited support to ensure that programs are effective. A National Human Trafficking Resource Center is a critical investment in proactive training and technical assistance. The domestic and sexual violence fields have invested in national training and technical assistance to support the development of high quality services, standards for evaluation and research, and to build a more collaborative environment for providers.

We recommend the following to address these needs:

- a. OVC should collaborate to establish at least one national resource center, which is field-driven, connected to direct service providers, staffed by those with direct services, lived, and program development experience, and an understanding of federal grant funding.
- b. The Center should develop standards of care and guidance on program evaluation in collaboration with OVC. These standards should be integrated into the grant program requirements. Standard evaluation metrics could provide federal agencies

with a better understanding of the impact of their funding and emerging best practices.

- c. The Center should host annual meetings for all OVC and OTIP funded service providers. The joint annual meeting would allow successes, best practices, and innovations to be shared; challenges to be deeply explored; federal priorities and changes to be communicated; and connections among providers to be made. The Center could also serve as a central distribution point for all federal training materials, including webinars, posters, videos, and other materials.

7. Research, Data and Evaluation

We commend OVC'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. The research should focus on supporting better identification of survivors, establish more effective services, and improve outreach and identification of survivors.

We recommend the following to address these needs:

- a. We recommend that research grants be tasked with not only conducting research and presenting findings, but also provide guidance on how to put the research into practice.
- b. We recommend continuing to require that research grants include paid consultants with lived experience to guide the design, implementation, analysis, and application of the research.
- c. We recommend that you collaboratively 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.
- d. We also recommend that you develop joint OVC and OTIP guidance on program evaluation to support grantees in engaging in meaningful evaluation that is useful for both the grantees and the government—including community needs assessments, and both process and outcome evaluations.

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

Sincerely,



Jean Bruggeman
Executive Director
Freedom Network USA